

of the
OFFICE OF ADMINISTRATIVE PROCEDURE

1953

A Unit
of the
OFFICE OF LEGAL COUNSEL
DEPARTMENT OF JUSTICE

Washington, D. C.

Part I contains a summary of the major activities of the Office during the year. In this area the most significant development has been the growing frequency of requests for informal advice and opinions in the course of agency revision or promulgation of rules and regulations, and in the preparation of legislative proposals having a bearing on administrative procedures.

Part II is the statistical section of the report. The tables set forth certain fundamental information on backlog, volume, and time with respect to proceedings pending before 21 Federal departments and agencies during fiscal year 1958.

The statistics in Tables 7 through 12, relating to the hearing examiner function, are similar to those compiled in the 1957 Annual Report and have been set forth in a manner permitting comparison. In addition, the scope of the study was enlarged to include certain basic statistics relating to the period prior to the assignment of proceedings to hearing examiners and to their processing by the agencies after disposition by hearing examiners (Tables 1 through 6).

In speaking of judicial statistics, Chief Justice Stone said: "The statistical method of dealing with social problems often cannot be relied upon as a mathematical demonstration leading to spoken conclusions, but it may be used to indicate tendencies, to mark out the boundaries of a problem, and to point out the directions to be given to a particular investigation of a non-statistical character." It is in this context and with this purpose in mind that these tables have been compiled.

In carrying out its responsibilities and in the preparation of this report, the Office acknowledges the helpful assistance provided by the Bureau of the Budget and expresses its appreciation to the departments and agencies for their continuing support and cooperation.

STAFF OF THE
OFFICE OF ADMINISTRATIVE PROCEDURE

Professional Staff

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Webster P. Maxson
Henry N. Williams

Secretaries

Angela Anderson
Margaret 'Mae' Williams

DEPARTMENT AND AGENCY LIAISON OFFICERS

| | |
|---|----------------------------|
| Agriculture, Department of | - Charles W. Bucy |
| Air Force, Department of | - John J. McLaughlin |
| Army, Department of the | - Frank G. Millard |
| Atomic Energy Commission | - Loren K. Olson |
| Civil Aeronautics Board | - Franklin M. Stone |
| Civil Service Commission | - Lawrence V. Meloy |
| Commerce, Department of | - F. Bourne Upham III |
| Defense, Department of | - Harry R. Van Cleave |
| Export-Import Bank of Washington | - Wilson L. Townsend |
| Farm Credit Administration | - John C. Bagwell |
| Federal Coal Mine Safety Board of Review | - Robert J. Freeshling |
| Federal Communications Commission | - John L. Fitzgerald |
| Federal Deposit Insurance Corporation | - William M. Moroney |
| Federal Home Loan Bank Board | - Thomas H. Creighton, Jr. |
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| Federal Mediation and Conciliation Service | - George E. Strong |
| Federal National Mortgage Association | - Benjamin L. Wesson |
| Federal Power Commission | - Willard W. Gatchell |
| Federal Reserve System, Board of Governors of the | - Frederic Solomon |
| Federal Trade Commission | - Earl W. Kintner |
| Foreign Claims Settlement Commission of the United States | - Andrew T. McGuire |
| General Accounting Office | - Robert F. Keller |
| General Services Administration | - J. H. Macomber, Jr. |
| Government Patents Board | - Robb S. McLaughlin |
| Health, Education and Welfare, Department of | - M. J. McQueen |
| Housing & Home Finance Agency | - Lyman Brownfield |
| Interior, Department of the | - A. Bruce Wright |
| International Cooperation Administration | - Leslie A. Grant |
| Interstate Commerce Commission | - Robert W. Ginnane |
| Labor, Department of | - John J. Babe |
| National Labor Relations Board | - James V. Constantine |
| National Mediation Board | - Thomas A. Tracy |
| Navy, Department of the Office of the Navy Judge Advocate General | - Captain R. F. Schlegel |
| Office of the General Counsel | - George M. Coburn |
| Office of Civil and Defense Mobilization | - M. M. Merker |

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| Public Housing Administration | - Joseph Burstein |
| Railroad Retirement Board | - Myles F. Gibbon |
| Renegotiation Board, The | - Howard W. Fensel |
| Securities and Exchange Commission | - Thomas G. Meek |
| Selective Service System | - Colonel Daniel O |
| Small Business Administration | - Philip McCallum |
| State, Department of | - James A. Dibrell |
| Subversive Activities Control Board | - George R. Gallup |
| Tennessee Valley Authority | - Charles J. McCa |
| Treasury, Department of the | - George L. Ware |
| United States Tariff Commission | - Paul Kaplowitz |
| Veterans' Administration | - Myer S. Lipps |

Establishment of Office of Administrative Procedure

Establishment of Office of Administrative Procedure.

1. There is hereby established in the Department of Justice an Office of Administrative Procedure which shall be a component of and under the administrative supervision of the Office of Legal Counsel.

Director. 2. The Office shall be headed by a Director who will act in an advisory capacity in carrying out the purposes of the Office.

Purposes of the Office. 3. With a view to achieving improvements in administrative procedures within the Executive departments and agencies of the Federal Government, the Office shall:

(a) Carry on continuous studies of the adequacy of the procedures by which Federal departments and agencies determine the rights, duties, and privileges of persons;

(b) Initiate cooperative effort among the departments and agencies and their respective bars to develop and adopt so far as practicable uniform rules of practice and procedure;

(c) Collect and publish facts and statistics concerning the procedures of the departments and agencies;

(d) Assist departments and agencies in the formulation and improvement of their administrative procedures.

Cooperation by Departments and Agencies, the Bar, and other interested persons. 4. The Director, in consultation with the Attorney General, is authorized to make appropriate arrangements for securing the cooperation and advice of representatives of the departments and agencies, the bar, and other interested persons in connection with the performance of his duties.

Reports. 5. The Director shall render an annual report for circulation to the departments and agencies, and such other reports as the Attorney General may from time to time request.

Dated: February 6, 1957.

Herbert Brownell, Jr.,
Attorney General

[22 F.R. 998]

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PART I

ORGANIZATION AND STATISTICAL SUMMARY

The Office of Administrative Procedure, headed by a Director, is a component of the Office of Legal Counsel in the Department of Justice. Through continuing studies, the collection and dissemination of facts and statistics, and advisory services it is the purpose of the Office to seek improvement in the administrative procedures whereby the Executive departments and agencies determine, either by rule-making or adjudication, the rights, privileges and duties of members of the public.

To assist in carrying out these responsibilities, each of 48 departments and agencies has cooperated with the Office by designating a responsible staff officer to maintain official liaison. This arrangement not only serves as a point of contact with the agencies, but provides the Office with current information relating to the major activities of the respective agencies in the field of administrative procedure. The Office is also in frequent contact with bar associations, specialized agency bar groups, and other organizations and individuals interested in administrative practice and procedures.

During 1958, 117 assignments were processed by the Office, falling into the following general categories: 43 reviews of legislative proposals, 23 special assignments, 21 interagency studies and advisory opinions, 14 rulemaking proceedings, and 16 interagency conferences. In addition, a number of requests for advice and assistance were handled on a day-to-day informal basis. The range of these assignments extends from study and advice with respect to possible change in one rule to the revision or preparation of

rules for the conduct of agency hearings. They include assistance in the drafting of legislation and the providing of views on the form and legality of such proposals.

RECOGNITION AND DISCIPLINE OF ATTORNEYS

One of the early recommendations of the Office was a proposal that all agencies dispense with formal admission procedures for attorneys and adopt in lieu thereof a proposed uniform rule which would make eligible to practice any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of a state, territory, insular possession, or District of Columbia and is not under a court order suspending, enjoining, restraining, disbarring, or otherwise restricting him in practicing law. At the time the recommendation was made 10 agencies had rules for formal admission of attorneys. During 1958, the Board of Immigration Appeals and the Immigration and Naturalization Service eliminated their formal procedures for the admission of attorneys to practice before them. (See 8 C.F.R. Pt. 292, 23 Fed. Reg. 2670.) This means that with the exception of the Interstate Commerce Commission, the Patent Office (patent cases), the Treasury Department and the Veterans Administration, an attorney in good standing may represent others before administrative agencies without further qualification.

However, while attorneys should not be subject to further qualification requirements, it by no means follows that they should be free from regulation by the agencies. Provisions should be made for simple, adequate, and uniform agency rules for discipline of attorneys who are guilty of contemptuous conduct or who fail to live up to the ethical standards of the legal profession.

A suggested uniform rule on discipline of attorneys, which includes both substantive and procedural provisions, is included in the Appendix of this report. Also printed is a chart setting forth the provisions of present agency rules on disbarment of attorneys.

UNIFORM RULE STUDIES

Printed in the Appendix are the texts of the illustrative uniform rules recommended in the Report of the President's Conference on Administrative Procedure on computation of time and appeals from intermediate decisions, together with an analysis of existing agency rules on each subject. This brings to six the number of recommendations of the President's Conference on uniform illustrative rules which have been analyzed to determine the extent of their adoption by the agencies. The President's Conference also suggested uniform rules on presumptions, stipulations and admissions of record in proceedings involving numerous parties, and form and content of decisions. The text of these rules are also set forth.

PART II--STATISTICS ON ADMINISTRATIVE PROCEEDINGS BEFORE DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT

Upon recommendation of the President's Conference on Administrative Procedure, the Attorney General has directed, as one of the functions of this Office, the collection and publication of facts and statistics concerning administrative procedures of the departments and agencies of the Federal government. Initial compliance with this directive last year resulted in the publication as a part of our 1957 Annual Report of nine tables which provided fundamental information relative to formal proceedings before hearing examiners appointed pursuant to Section 11 of the Administrative Procedure Act in the 21 departments and agencies which regularly employ such examiners.

In further performance of this function and for use in connection with continuing studies of the adequacy and efficiency of administrative procedures, there are presented in the twelve tables which follow additional and somewhat more comprehensive data relative to the same kinds of formal proceedings before the same 21 departments and agencies covered in the 1957 report.

This report, like the 1957 report, is limited to administrative proceedings in which:

- (1) opportunity is afforded for hearing before an APA Sec. 11 examiner, and
- (2) such examiner, in normal course, prepares a decision or initial or recommended decision.

Thus proceedings wherein hearings are conducted by the agency itself, or by members of its staff other than APA examiners, are not included. Also, these tables (with the exception of Table 12) do not include proceedings in which, in ordinary course, the examiner merely conducts the hearing and certifies the record to the agency for action, without the examiner's having to prepare an initial or recommended decision.

The tables in last year's report were limited further as to the stages of proceedings for which data were reported. The 1957 tables encompassed only so much of the above-described proceedings as was in the hands of hearing examiners, thereby excluding whatever stages preceded assignment of a case to an examiner as well as agency consideration of the matter following the examiner's decision.

Only the second part of the tables presented herewith (Part B, Tables 7-11) are subject to this limitation. Tables 7-11 represent a continuation of last year's report relative to process before hearing examiners. Part A of these statistics for fiscal 1958 (Tables 1-6) enlarge upon the information furnished last year by including all stages of proceedings described in (1) and (2) above, from commencement to final agency disposition. More specifically, if a proceeding was pending in any stage at any time during the fiscal year, information thereon is included in Part A of these tables. If it was in the hands of a hearing examiner at any time during the year, additional information concerning its handling by the examiner, similar to the information in last year's tables, is included in Part B.

As used herein, the term "proceeding" means a matter which in normal course is referred to an examiner for evidentiary hearing, by oral or written representation, and for recommended or initial decision by him, even though it may be a consolidated proceeding involving more than one petition, application, or complaint. Therefore, although a matter may involve several claimants, applicants, or respondents and several docket numbers, if it looks toward resolution by means of a joint hearing and a single decision binding upon all parties, it is reported as one "proceeding."

The question of when a matter becomes a "proceeding", that is, when it is commenced, for purposes of this report is important in connection with Part A. Under some administrative procedures, a proceeding as herein defined is commenced upon the filing of a complaint, petition, application, etc., as in the case of court actions. These are cases in which opportunity

for hearing ordinarily is afforded on every petition or complaint filed. For purposes of this report these cases are counted as proceedings from the date of initial filing, and the age of such proceedings is computed from that date.

Other procedures do not necessarily contemplate hearing in every case. For example, depending upon statutory authority, petitions or applications are often subject to summary administrative grant or denial without hearing, and are designated as proceedings in which there will be a hearing only where issues are presented which preclude summary administrative determination. These matters are not counted as proceedings for the purposes of this report until they reach the point where a determination is made that they are to be resolved in ordinary course by the hearing process. In these cases, the date of that determination, whether it be by designation for hearing, entry upon the hearing docket, or referral to the office of hearing examiners, is considered the date upon which the proceeding was commenced, and its age is computed therefrom.

The division into types of proceedings which is employed in these tables is a division made by the reporting agencies, although the characterizations have been abbreviated for purposes of the tables.

The separate listing of data by agency and by type of proceeding within each agency may tend to encourage comparisons between agencies and types of proceedings. Although it is believed that the information presented affords some opportunity for valid and useful comparison, obviously any comparison should be attempted only with full recognition of the many significant differences among the various agency proceedings.

PART A

Table 1 is intended to provide a general view of the entire "formal case" process in terms of each agency's volume and backlog, by type of proceeding. The first column indicates the number of pending cases with which each agency began the fiscal year,

whatever their stage of completion. The second and third columns report the year's input in new cases and cases which at some time had been closed but which, during the fiscal year, were reopened. The fourth column shows the output, and the fifth column shows the balance remaining at the end of the fiscal year. The grand totals at the end of the table demonstrate that there were 16,582 proceedings of all types in process before the 21 reporting agencies on July 1, 1957, that 32,783 proceedings were commenced or reopened during the fiscal year, that 25,824 were closed during that time, and that a balance of 23,541 Proceedings were still pending on June 30, 1958.

It is to be noted that although the total number of pending cases of all types increased from 16,582 at the beginning of the fiscal year to 23,541 at the end of the year, an increase of 6,959 cases, 5,473 of these cases were appeals from benefits rights determinations in the Social Security Administration due to the extension of disability insurance benefits under the 1956 amendments to Title II of the Social Security Act. Of the 23,541 proceedings pending at the end of the year, 14,355 were Social Security cases. Eliminating the Social Security cases from the grand total figures, there were 9,186 proceedings pending at the end of the year, which represented an increase of 1,486 over the number pending at the beginning of the year.

The major increases in pending cases, other than Social Security cases, were in the Federal Power Commission (from 426 to 956), Federal Communications Commission (from 97 to 169), Agriculture Department (from 65 to 100), Federal Trade Commission (from 262 to 326), and Interstate Commerce Commission (3,349 to 4,069).

The total number of cases closed during the fiscal year 1958 by all 21 reporting agencies was 25,824.

Table 2 demonstrates the age of proceedings pending at the end of the fiscal year. The age of each case was measured from its commencement, as that term is described above. The demonstration is by age grouping, since it is felt that this technique is perhaps more indicative than average or median figures.

Data as to age of proceedings are not available for Social Security cases or for Indian probate matters before Examiners of Inheritance in the Interior Department. Of the 7,505 cases pending on June 30, 1958, for which age data are available, more than one half (53%) were less than 6 months old, slightly less than one quarter (24%) were more than 6 months old but not more than one year old, 13% were over 1 year old but not over 2 years old, and the remaining 10% were almost evenly divided between the 2 to 3 years old and over 3 years old columns.

Table 3 indicates the manner in which the agencies disposed of the 25,824 proceedings which they closed during the fiscal year. The number of proceedings decided on the merits by agency final decision after hearing and decision by an examiner was 2,843, or 11% of the total, and an additional 1,205 (4.6%) were decided by the agencies without initial or recommended decision by an examiner. Of the latter group, 995 were Interstate Commerce Commission cases and 115 were National Labor Relations Board cases. In more than one half of the proceedings closed during the year the examiner's decision became the final decision of the agency without review by the agency (13,198 proceedings, or 51% of the total). Of these, 7,944 were Social Security cases, 1,611 were Indian probate matters, 1,424 were Interstate Commerce Commission cases, and 1,405 were cases before Coast Guard examiners. A total of 7,953 proceedings (31%) were dismissed or withdrawn without decision on the merits. This figure does not include cases which were disposed of by default, consent, settlement, or compromise.

Tables 4, 5 and 6 are concerned with the 2,843 proceedings mentioned above which were disposed of after hearing, examiner decision, and agency final decision, and provide information relative to the time involved in the disposition of such cases.

Table 4 illustrates the over-all time that such matters were pending, from commencement to final closing. These data are not available for the 328 Social Security cases which were taken up from the examiners to the Appeals Council. Of all of the other

types of proceedings, 9% were disposed of within 6 months after their commencement, 42% required from 6 months to a year, 39% were disposed of in periods of from 1 to 2 years, 6% took from 2 to 3 years, and 4% required more than 3 years.

Table 5 demonstrates the periods of time these proceedings were pending after their commencement, before they were assigned to examiners. Five agencies assign all proceedings to examiners at the time the proceedings are commenced. These agencies are the Federal Trade Commission, Social Security Administration, Bureau of Indian Affairs, Office of Alien Property, and the Coast Guard. The Civil Aeronautics Board makes such assignments in safety enforcement proceedings. Of the 2,842 proceedings closed during the year by agency final decision after an examiner's decision, 21% were assigned to examiners at the time they were commenced, 22% were assigned in 1 month or less, 33% in 1 to 3 months, 17% in 3 to 6 months, 5% in 6 to 12 months, and 2% were pending more than 1 year before they were assigned.

Table 6 reports the periods of time during which these same proceedings were under advisement by the agencies. In computing time under advisement, the period was measured from the date the matter was first ripe for agency final decision, that is, the time when the presentations to the agency were complete (last exceptions to examiner's decision filed, record certified, etc.), to issuance of the agency's final decision. Such data are not available for the 328 Social Security cases appealed to the agency. Of the 514 proceedings as to which such data are available, 1% were decided within 3 months. The agency's decisional process required more than one year in 1% of the cases.

PART B

Tables 7-11 repeat the basic information presented in the statistical tables in the 1957 report and add corresponding new data for the fiscal year 1958. They thereby afford comparison of the two years' experience under each item.

Part B concerns only those proceedings reported in Part A which at any time during the year were in the hands of hearing examiners. Further, it encompasses only that period in each proceeding when it was in the hands of the examiner, from the date of assignment of the proceeding to an examiner to the date its pendency before him terminates, regardless of whether that termination ultimately disposes of the proceeding insofar as the agency is concerned.

Table 7 gives the number of proceedings of each type for each agency pending before examiners on July 1, 1956 and July 1, 1957, input during each of the fiscal years 1957 and 1958 in terms of new cases assigned to examiners and cases remanded or re-assigned to examiners, examiners' output during each year, and the balance still pending on June 30, 1957 and June 30, 1958.

Although comparison of the total number of proceedings pending at the end of fiscal 1957 with the number pending at the end of 1958 would seem to indicate a substantial increase in backlog, this increase, as in Table 1, is due for the most part to the influx of new cases before the Social Security Administration. Eliminating Social Security cases, the totals reflect an increase from 4,556 proceeding pending at the beginning of fiscal 1958, to 4,911 pending at the end of the year, or 7.8% increase. The number of proceedings other than Social Security proceedings disposed of by examiners during the year decreased from 10,518 in 1957 to 9,412 in 1958, a drop of 11.7%.

Table 8 demonstrates how long proceedings in the hands of examiners at the end of each year had been pending before examiners. In each case (except as noted in footnote 4) the period of time was measured from date of assignment to the examiner to June 30. Except for Social Security proceedings and Interior Department Indian probate cases, as to which these data are not available, approximately 10.9% of the cases before examiners at the end of the year had been assigned to examiners for over a year, as against the corresponding figure of 10.5% for fiscal 1957.

Table 9 shows the manner in which pendency of proceedings before hearing examiners was terminated during the fiscal years 1957 and 1958. Of the 22,736 cases disposed of by examiners during 1958, 16,278, or 71.6%, were decided on the merits after hearing, and 5,218, or 23% (of which 4,962 were Social Security cases), were dismissed or withdrawn without decision on the merits.

Table 10 concerns only proceedings disposed of by examiners during the fiscal years 1957 and 1958 by decision on the merits after hearing, and demonstrates as to those proceedings the overall time the matter was in the hands of an examiner, from assignment to an examiner to decision by him. Of the proceedings for which such information is available for 1958, 53% were disposed of within 3 months of the date of assignment to the examiner, and less than 1% required more than 2 years. By comparison 58% were disposed of in 3 months or less in 1957.

Table 11 reports, for the same proceedings, the time under advisement by an examiner. For this purpose time under advisement was measured from the date of final submission of the matter to the examiner for his decision (last proposed findings and brief filed, etc.) to the date the examiner's decision was issued. In 1958, 34% of the proceedings reported in Table 11 were decided by examiners in 1 month or less, 84% in 3 months or less, and 96% in 6 months or less. The corresponding figures for 1957 are 40% within 1 month, 79% within 3 months, and 97% within 6 months.

Table 12, except as to the column showing the average number of decisions per man-year, goes beyond the limitations described above relative to types of proceedings, and considers generally the employment of examiners in all kinds of cases. Under the first heading the table shows the total number of examiners employed at the beginning of each of the fiscal years 1956, 1957, and 1958. Of the total employed on July 1, 1958, 160 were in grade GS-15, 61 were GS-14, 109 were GS-13, and 10 were GS-12.

Figures in the column showing man-years of examiner time available to each agency during the fiscal years 1957 and 1958 take into account inter-agency loans of examiners as well as separations from and entrances upon service.

For purposes of the column which shows the average number of days per man-year spent by examiners presiding over hearings and pre-hearing or hearing conferences, the agencies were asked to report as a day of hearing any day on which the examiner presided over a hearing or conference, whether for the full day or only part of the day, and whether in one proceeding or more than one. The total number of days thus reported was divided by the agency's man-years figure in the preceding column to provide the figures shown in the column showing average number of days in hearing.

Similarly, figures in the column showing average number of decisions per man-year were computed by dividing, for each agency, the total number of examiner decisions on the merits after hearing, as shown in the second column of Table 9, by the man-years figure in the second column of this table. The last column shows the number of cases assigned to an examiner with the intention that he not issue a decision but instead merely conduct the hearing and certify the record to the agency for its decision. This column does not include cases wherein the examiner would have issued a decision but for waiver thereof.

PART A - PROCEEDINGS PENDING BEFORE FEDERAL AGENCIES
DURING THE FISCAL YEAR 1958

TABLE 1 - BACKLOG AND VOLUME DATA BY TYPES OF PROCEEDINGS

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of cases pending July 1, 1957 | New cases commenced during fiscal year 1958 | Closed cases reopened during the year | Cases closed during fiscal year 1958 | Balance pending on June 30, 1958 |
|--|--|---|---|--|--|
| | | | | | |
| AGRICULTURE DEPARTMENT | | | | | |
| AMA marketing order contests, 7 USC §608c(15) (A) | 19 | 14 | - | 14 | 19 |
| CEA and P&S cease and desist orders, 7 USC §133e, 193, 211 | 4 | 14 | - | 8 | 10 |
| P&S license revocation or suspension and cease and desist orders, 7 USC §204, 205, 213, 218d | 30 | 62 | - | 36 | 56 |
| P&S rate determinations, 7 USC §207 | 4 | 29 | - | 32 | 1 |
| PACA license denial, 7 USC §499d | 1 | 4 | - | 5 | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §46g, 9 | 4 | 4 | - | 1 | 7 |
| CEA susp. of trading priv., 7 USC §9 | - | 3 | - | 1 | 2 |
| PACA lic. susp. or rev., 7 USC §499h | 3 | 9 | - | 7 | 5 |
| TOTALS | 65 | 139 | - | 104 | 100 |
| CIVIL AERONAUTICS BOARD | | | | | |
| Route licensing, 49 USC §481 | 216 | 65 | - | 65 | 216 |
| Foreign permits, 49 USC §482 | 38 | 21 | - | 36 | 23 |
| Adequacy of service, 49 USC §484 | 13 | 1 | - | 1 | 1 |

Mail rates, 49 USC §486
 Carrier relations, 49 USC §488,489
 Agreements, 49 USC §492
 Exemptions, 49 USC §496
 Commercial rates, 49 USC §642
 Econ. enf., 49 USC §642,495,641,642
 Medical review, 49 USC §552
 Safety enforcement, 49 USC §559
 Safety enf. non-hearings, 49 USC §559
 TOTALS

CIVIL SERVICE COMMISSION

Batch Acc violations, 5 USC §118k

2/

FEDERAL COMMUNICATIONS COMMISSION

Broadcast radio and television,
 47 USC §309,312,316,325,405,406
 Common carrier services,
 47 USC §204,205,214,221,222
 Safety & spec. services, 47 USC §359
 Field eng. & mon., 47 USC §303(m)(2)
 TOTALS

FEDERAL MARITIME BOARD

Regulatory, 46 USC §813,822,845,
 861,891,1101
 Subsidy, 46 USC §1101
 Charter, 5 USC App. §1738
 TOTALS

| | | | | |
|-----|-----|----|-----|-----|
| 2 | 1 | 2 | 2 | 3 |
| 31 | 8 | - | 17 | 22 |
| 9 | 12 | - | 6 | 15 |
| 1 | 1 | - | - | 2 |
| 25 | 17 | - | 22 | 20 |
| 22 | 11 | - | 6 | 27 |
| 34 | 34 | - | 28 | 40 |
| 79 | 202 | 9 | 196 | 94 |
| 170 | 500 | 10 | 498 | 182 |
| 640 | 873 | 21 | 877 | 657 |
| 1 | 5 | - | 1 | 3 |
| 97 | 181 | 2 | 111 | 169 |
| 32 | 13 | - | 13 | 32 |
| 12 | - | - | 5 | 7 |
| - | 1 | - | 1 | - |
| 44 | 14 | - | 19 | 39 |

(Footnotes at end of table)

1. SUMMARY AND VOLUME DATA BY TYPES OF PROCEEDINGS (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of cases pending July 1, 1957 | New cases commenced during fiscal year 1958 | Closed cases reopened during the year | Cases closed during fiscal year 1958 | Balance pending on June 30, 1958 |
|---|--|---|---|--|--|
| | | | | | |
| FEDERAL POWER COMMISSION | | | | | |
| NGA §4(a) investig., 15 USC §717c(e) | 326 | 530 | 7 | 12 | 851 |
| NGA §4(a), 5(a) new schd. susp.-acate determ., 15 USC §717c(a), 717d(a) | 11 | - | - | 4 | 7 |
| NGA §5(a) cost and rate determinations, 15 USC §717d(a) | 25 | 12 | - | - | 37 |
| NGA §7(a) extension of facilities certificates, 15 USC §717f(a) | 4 | 4 | 1 | 7 | 2 |
| NGA §7(c) construction certificates, 15 USC §717f(c) | 47 | 18 | 3 | 22 | 46 |
| NGA §7(a), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) | 0 | 1 | - | 0 | 1 |
| NGA §8, 7(c) export and import appl- ications, 15 USC §717b, 717f(c) | 2 | - | - | - | 2 |
| NGA §8(b), (c) constr. or aband. of serv. certifs., 15 USC §717f(b), (c) | 5 | 2 | - | 1 | 6 |
| NGA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(e) | 4 | 2 | 1 | 5 | 2 |
| FPA §84(g), 23(b) lend occup. & navig. waters investig., 15 USC §797g, 817 | - | 1 | - | - | 1 |
| FPA §205 rate determs., 16 USC §824d | 1 | 2 | - | 2 | 1 |
| FPA §206 investigats., 16 USC §824e | - | - | 1 | 1 | - |
| FPA rule making, 16 USC §825h | 1 | - | - | - | - |
| TOTALS | 426 | 572 | 13 | 55 | 444 |

FEDERAL TRADE COMMISSION

Genae & deist orders, 15 USC §13,
21,45(b), 52, 55(a), 68d, 69f, 1194

| | | | | |
|-----|-----|---|-----|-----|
| 262 | 354 | 1 | 291 | 326 |
|-----|-----|---|-----|-----|

HEALTH, EDUCATION, AND WELFARE DEPT.FOOD AND DRUG ADMINISTRATION

Suspension of new drug applications,
21 USC §355(e)

| | | | | |
|---|---|---|---|---|
| - | - | - | - | - |
|---|---|---|---|---|

SOCIAL SECURITY ADMINISTRATION

Appeals from benefits rights
determinations, 42 USC §405

| | | | | |
|-------|--------|-----|--------|--------|
| 8,882 | 18,534 | 173 | 13,234 | 14,355 |
|-------|--------|-----|--------|--------|

INTERIOR DEPARTMENTBUREAU OF LAND MANAGEMENT

Government contests, 43 USC §1201,
30 USC §613(c) (Supp. V)

Private contests, 43 USC §1201,
30 USC §527(c) (Supp. V)

Placer mining orders, 30 USC §621(b)
Appeals from Range Managers'
decisions, 43 USC §315h

FRC enforcement proc., 43 USC §315a

TOTALS

| | | | | |
|-----|-----|---|-----|-----|
| 142 | 134 | 2 | 109 | 169 |
| 31 | 13 | - | 15 | 29 |
| 7 | 2 | - | 8 | 1 |
| 138 | 61 | - | 79 | 120 |
| 2 | 7 | 1 | 2 | 8 |
| 320 | 217 | 3 | 213 | 327 |

BUREAU OF INDIAN AFFAIRS

Indian probate, 25 USC §4372, 373

| | | | | |
|-------|-------|--|-------|-------|
| 1,625 | 1,679 | | 1,623 | 1,681 |
|-------|-------|--|-------|-------|

TABLE 1 - BACKLOG AND VOLUME DATA BY TYPES OF PROCEEDINGS (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of cases pending July 1, 1957 | New cases commenced during fiscal year 1958 | Closed cases reopened during the year | Cases closed during fiscal year 1958 | Balance pending on June 30, 1958 |
|---|--|---|---|--|--|
| <u>INTERSTATE COMMERCE COMMISSION</u> | | | | | |
| Certiffs. of conven. & rec., 49 USC §51(19), 1(21), 5(11), 305, 909, 1010 | 1,977 | 4,571 | - | 4,037 | 2,511 |
| Finance and transfer of operating authority, 49 USC §312, 912, 1010 | 270 | 398 | 22 | 381 | 309 |
| Rates, fares, and charges, 49 USC §86(6), 16(1), 906(e), 908(d), 1005 | 1,007 | 2,185 | 82 | 2,284 | 990 |
| Bankruptcy Act reorganizations, 11 USC §205 | 4 | - | - | - | 4 |
| Compliance and rules investigations, 49 USC §305(e), 312, 904(e), 1010(f) | 91 | 239 | 13 | 88 | 255 |
| TOTALS | 3,349 | 7,393 | 117 | 6,790 | 4,069 |
| <u>JUSTICE DEPT., OFFICE OF ALIEN PROPERTY</u> | | | | | |
| Claims, 50 USC App. §39, 32, 34 | 138 | 65 | - | 90 | 93 |
| <u>LABOR DEPARTMENT</u> | | | | | |
| Walsh-Healey Act enforce., 41 USC §39 | 25 | 36 | - | 36 | 25 |
| Determinations as to statutory qualification to contract, 41 USC §39 | 3 | 1 | - | 4 | - |
| Davis-Bacon Act minimum wage determinations, 40 USC §276a | - | - | - | - | - |
| TOTALS | 28 | 37 | - | 40 | 25 |

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b) 1,2,3,5,6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b) (4) (A), (B), (C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b) (4) (D) unfair union pract.), 29 USC §160(b), (k)
 RC cases (pet. for cert. of representation), 29 USC §159(c) (1) (A) (i)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b)
 CA - CD cases, 29 USC §160(b), (k)
 CA - RC cases, 29 USC §160(b), 159(c) (1) (A) (i)
 CA - RD cases (incl. decert. petit.), 29 USC §160(b), 159(c) (1) (A) (ii)
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)
 TOTALS

POST OFFICE DEPARTMENT

Fraud & lottery, 39 USC §1259, 732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302, 1461
 2nd class applications, 39 USC §232
 TOTALS

| | | | | |
|-----|-----|---|-----|-----|
| 182 | 280 | 8 | 253 | 217 |
| 36 | 72 | - | 58 | 50 |
| 42 | 84 | - | 75 | 51 |
| 2 | 7 | - | 4 | 5 |
| - | - | - | - | - |
| 60 | 72 | 1 | 75 | 58 |
| 2 | 2 | - | 1 | 3 |
| - | 1 | - | - | 1 |
| 5 | 8 | - | 6 | 7 |
| 3 | - | - | 2 | 1 |
| 7 | 9 | - | 12 | 4 |
| 2 | 3 | - | 5 | - |
| 341 | 538 | 9 | 491 | 397 |
| 50 | 129 | 5 | 146 | 38 |
| 25 | 31 | 1 | 55 | 2 |
| - | 9 | - | 9 | - |
| 7 | 8 | - | 14 | 1 |
| 82 | 177 | 6 | 224 | 41 |

TABLE 1 - BACKLOG AND VOLUME DATA BY TYPES OF PROCEEDINGS (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of cases pending July 1, 1957 | New cases commenced during fiscal year 1958 | Closed cases reopened during the year | Gases closed during fiscal year 1958 | Balance pending on June 30, 1959 |
|---|--|---|---|--|--|
| SECURITIES AND EXCHANGE COMMISSION | | | | | |
| Stop orders (SA), 15 USC §77h(d) | 12 | 29 | - | 18 | 23 |
| Rev. or susp. of broker-dealer, NASD number (SEA), 15 USC §78o(b), 78o-3 | 49 | 57 | - | 62 | 44 |
| Suspension or withdrawal of registra- tion (SEA), 15 USC §778(a), 78x(b) | 6 | 3 | - | 3 | 6 |
| Approval of sales, acquisitions, ex- ceptions, or reorganization plans (FURCA), 15 USC §79e, f, g, i, j, k, r | 3 | 11 | - | 6 | 8 |
| Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 | 1 | 8 | - | 5 | 4 |
| IAA registration, 15 USC §80b-3 | 2 | 3 | - | 2 | 3 |
| Disbarment (SA, SEA), 15 USC §577s, 778ss, 78w(a), 79c, 80a-37, 80b-11 | 2 | 1 | - | 1 | 2 |
| TOTALS | 75 | 112 | - | 97 | 90 |
| SUBVERSIVE ACTIVITIES CONTROL BOARD | | | | | |
| Communist action, front, infiltrated organizations, 50 USC §792, 792a | 12 | - | 2 | 6 | 8 |

TREASURY DEPARTMENTCOAST GUARD

Suspension or revocation of marine
licenses, 46 USC §239, 239b

| | | | | |
|-----|-------|---|-------|-----|
| 171 | 1,516 | 1 | 1,497 | 191 |
|-----|-------|---|-------|-----|

DIRECTOR OF PRACTICE

Disbarment or suspension, 5 USC §261

| | | | | |
|---|---|---|---|---|
| - | - | - | - | - |
|---|---|---|---|---|

IRS ALCOHOL AND TOBACCO TAX DIVISION
Permit proceedings, 26 USC §§5304,
5712, 5713, 27 USC §204

| | | | | |
|----|----|---|----|----|
| 24 | 47 | 2 | 61 | 12 |
|----|----|---|----|----|

GRAND TOTALS - 21 AGENCIES

| | | | | |
|--------|--------|-----|--------|--------|
| 16,382 | 32,433 | 350 | 25,824 | 23,541 |
|--------|--------|-----|--------|--------|

- 1/ Except for safety enforcement proceedings, all of the data reported by the CAB include actual figures for cases in process, but estimated figures for cases awaiting action. The CAB report explains that the number of proceedings awaiting action and the number of new cases filed are necessarily only judgment figures because it cannot be determined in advance that a particular docket will be subject to hearing or how many dockets will be consolidated into a single proceeding. For example, the number of route licensing proceedings pending at the beginning of the year (reported as 216) includes 39 actual proceedings in process and an estimated 177 proceedings awaiting action.
- 2/ FCC data for Part A are not broken down as to types of proceeding, but are consolidated so that the totals are available.

TABLE 2 - AGE OF PROCEEDINGS PENDING AT THE END OF THE FISCAL YEAR

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total pending June 30, 1958 | Number of proceedings | | | | | Pending over 3 years |
|--|--------------------------------------|--|--|-------------------------------------|--------------------------------------|-----------------|-------------------------------|
| | | Number pending 6 months or less | Over 6 months but not over 12 | Over 1 year but not over 2 | Over 2 years but not over 3 | Over 3 years | |
| AGRICULTURE DEPARTMENT | | | | | | | |
| AHA marketing order contests, 7 USC §608c(15)(A) | 19 | 6 | 7 | 6 | - | - | - |
| CEA and P&S cease and desist orders, 7 USC §413a, 193, 211 | 10 | 6 | 2 | 1 | - | 1 | 1 |
| P&S license revocation or suspension and cease and desist orders, 7 USC §420a, 205, 213, 218d | 56 | 42 | 3 | 7 | 4 | - | - |
| P&S rate determinations, 7 USC §207 | 1 | 1 | - | - | - | - | - |
| PACA license denial, 7 USC §499d | - | - | - | - | - | - | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §46g, 9 | 7 | 4 | - | 1 | 2 | - | - |
| CEA susp. of trading priv., 7 USC §9 | 2 | 2 | - | - | - | - | - |
| PACA lic. susp. or rev., 7 USC §499h | 5 | 3 | 1 | 1 | - | - | - |
| TOTALS | 100 | 64 | 13 | 16 | 6 | 1 | 1 |
| CIVIL AERONAUTICS BOARD | | | | | | | |
| Route licensing, 49 USC §481 | 216 | 26 | 14 | 24 | 46 | 106 | 106 |
| Foreign permits, 49 USC §482 | 23 | 5 | 3 | 2 | 1 | 12 | 12 |
| Adequacy of service, 49 USC §484 | 13 | 1 | 1 | 5 | 2 | 4 | 4 |
| Mail rates, 49 USC §486 | 3 | - | - | 1 | 1 | 1 | 1 |
| Carrier relations, 49 USC §488, 489 | 22 | 7 | 5 | 4 | 2 | 1 | 1 |

Agreements, 49 USC §492
 Exceptions, 49 USC §496
 Commercial rates, 49 USC §642
 Econ. enf., 49 USC §5425, 495, 641, 642
 Medical review, 49 USC §552
 Safety enforcement, 49 USC §559
 Safety enf. non-hearing, 49 USC §559
 TOTALS

| | | | | | | | | |
|-----|-----|-----|----|----|----|----|----|-----|
| 15 | - | 1 | 2 | 1 | 1 | 2 | 1 | 11 |
| 2 | 1 | - | - | - | - | - | - | 1 |
| 20 | 5 | 3 | 2 | 6 | 6 | 2 | 6 | 4 |
| 27 | 8 | 2 | 14 | 1 | 1 | 14 | 1 | 2 |
| 40 | 12 | 9 | 16 | 3 | 3 | 16 | 3 | - |
| 94 | 53 | 31 | 10 | - | - | 10 | - | - |
| 182 | 150 | 31 | 1 | - | - | 1 | - | - |
| 657 | 268 | 100 | 81 | 63 | 63 | 81 | 63 | 145 |

CIVIL SERVICE COMMISSION

Batch Act violations, 5 USC §118k

2/

FEDERAL COMMUNICATIONS COMMISSION

Broadcast radio and television,
 47 USC §309, 312, 316, 325, 405, 406
 Common carrier services,
 47 USC §204, 205, 214, 221, 222
 Safety & spec. services, 47 USC §359
 Field eng. & mon., 47 USC §303(m)(2)
 TOTALS

| | | | | | | | | |
|-----|----|----|----|----|----|----|----|----|
| 5 | 4 | - | 1 | - | - | 1 | - | - |
| 169 | 72 | 40 | 31 | 12 | 12 | 31 | 12 | 14 |

FEDERAL MARITIME BOARD

Regulatory, 46 USC §813, 822, 845,
 861, 891, 1101
 Subsidy, 46 USC §1101
 Charter, 5 USC App. §1738
 TOTALS

| | | | | | | | | |
|----|---|---|----|---|---|----|---|---|
| 32 | 4 | 6 | 11 | 3 | 3 | 11 | 3 | 8 |
| 7 | - | - | 4 | 3 | 3 | 4 | 3 | - |
| - | - | - | - | - | - | - | - | - |
| 39 | 4 | 6 | 15 | 6 | 6 | 15 | 6 | 8 |

(Footnotes at end of table)

TABLE 2 - AGE OF PROCEEDINGS PENDING AT THE END OF THE FISCAL YEAR (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | |
|---|--------------------------------------|--|--|-------------------------------------|---|
| | Total pending June 30, 1958 | Number pending 6 months or less | Over 6 months but not over 12 | Over 1 year but not over 2 | Pending over 2 years but not over 3 years |
| FEDERAL POWER COMMISSION | | | | | |
| NGA §4(e) investig., 15 USC §717e(e) | 851 | 245 | 348 | 174 | 70 |
| NGA §54(c), 5(a) new schd. susp. & rate determ., 15 USC §717e(e), 717d(a) | 7 | - | - | 2 | 2 |
| NGA §5(a) cost and rate determinations, 15 USC §717d(a) | 37 | 4 | 8 | 7 | 17 |
| NGA §7(a) extension of facilities certificates, 15 USC §717f(a) | 2 | - | 1 | - | - |
| NGA §7(c) construction certificate, 15 USC §717f(c) | 46 | - | 3 | 3 | 9 |
| NGA §7(a), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) | 1 | - | 1 | - | - |
| NGA §53.7(c) export and import appli- cations, 15 USC §717b, 717f(c) | 2 | - | - | - | - |
| NGA §57(b), (c) constr. or aband. of serv. certif., 15 USC §717f(b), (c) | 6 | - | - | - | 3 |
| NGA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(e) | 2 | 2 | - | - | - |
| FPA §54(g), 23(b) land occup. & navig. waters investig., 15 USC §797g, 817 | 1 | - | 1 | - | - |
| FPA §205 rate determs., 16 USC §824d | 1 | 1 | - | - | - |

FPA §206 investigations, 16 USC §824e
FPA rule making, 16 USC §825h
TOTALS

FEDERAL TRADE COMMISSION

Cease & desist orders, 15 USC §513,
21,45(b), 52(a), 68d, 69f, 1194

HEALTH, EDUCATION, AND WELFARE DEPT.

FOOD AND DRUG ADMINISTRATION

Suspension of new drug applications,
21 USC §355(e)

SOCIAL SECURITY ADMINISTRATION

Appeals from benefits rights
determinations, 42 USC §405

INTERIOR DEPARTMENT

BUREAU OF LAND MANAGEMENT

Government contests, 43 USC §1201,
30 USC §613(c) (Supp. V)

Private contests, 43 USC §1201,
30 USC §527(c) (Supp. V)

Placer mining orders, 30 USC §621(b)

Appeals from Range Managers'

decisions, 43 USC §315h

PRC enforcement proc., 43 USC §315a

TOTALS

BUREAU OF INDIAN AFFAIRS

Indian probate, 25 USC §372, 373

| | | | | | | |
|------------|-----|-----|-----|--------------------|----|----|
| - | - | - | - | - | - | - |
| 956 | 252 | 362 | 186 | 101 | - | 55 |
| 326 | 144 | 78 | 36 | 29 | - | 39 |
| - | - | - | - | - | - | - |
| - | - | - | - | - | - | - |
| 5/(14,355) | | | | DATA NOT AVAILABLE | 3/ | |
| 169 | 61 | 37 | 24 | 20 | | 27 |
| 29 | 9 | 3 | 11 | 4 | | 2 |
| 1 | - | - | 1 | - | | - |
| 120 | 37 | 5 | 63 | 5 | | 10 |
| 8 | 3 | 3 | 2 | 0 | | 0 |
| 327 | 110 | 48 | 101 | 29 | | 39 |
| 2/(1,681) | | | | DATA NOT AVAILABLE | | |

(Footnotes at end of table)

TABLE 2 - AGE OF PROCEEDINGS PENDING AT THE END OF THE FISCAL YEAR (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | |
|--|--|--|---|--|---|
| | Total pending June 30, 1958 | Number pending 6 months or less | Over 6 months but not over 12 | Over 1 year but not over 2 | Over 2 years but not over 3 years |
| INTERSTATE COMMERCE COMMISSION Certifs. of conven. & acc., 49 USC §41(19), 1(21), 6(11), 305, 909, 1010 Finance and transfer of operating authority, 49 USC §312, 912, 1010 Rates, fares, and charges, 49 USC §56(6), 16(1), 905(e), 908(d), 1005 Bankruptcy Act reorganizations, 11 USC §205 Compliance and rules investigations, 49 USC §§305(e), 312, 904(e), 1010(f) TOTALS | 2,511 309 990 4 255 4,069 | 1,652 118 668 - 221 2,639 | 680 108 168 - 13 969 | 157 65 100 3 14 339 | 17 18 39 1 2 77 |
| JUSTICE DEPT., OFFICE OF ALIEN PROPERTY Claims, 50 USC App. §§9, 37, 34 | 93 | 18 | 23 | 34 | 9 |
| LABOR DEPARTMENT Walsh-Healey Act enforce., 41 USC §39 Determinations as to statutory qual- ification to contract, 41 USC §39 Davis-Bacon Act minimum wage determinations, 40 USC §276a TOTALS | 25 - - 25 | 16 - - 16 | 2 - - 2 | 3 - - 3 | 2 - - 2 |

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b)1,2,3,5,6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b)(4)(A), (B), (C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b)(4)(D) unfair union pract.), 29 USC §160(b), (k)
 EC cases (pet. for cert. of representatives), 29 USC §159(c)(1)(A)(i)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b)
 CA - CD cases, 29 USC §160(b), (k)
 CA - EC cases, 29 USC §160(b), (k)
 159(c)(1)(A)(i)
 CA - RD cases (incl. decort. petit.), 29 USC §160(b), 159(c)(1)(A)(ii)
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)

TOTALS

POST OFFICE DEPARTMENT

Fraud & lottery, 39 USC §259,732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302,1461
 2nd class applications, 39 USC §232

TOTALS

| | | | | | |
|-----|-----|-----|----|---|---|
| 217 | 131 | 50 | 32 | 3 | 1 |
| 50 | 26 | 16 | 5 | 3 | - |
| 51 | 21 | 21 | 9 | - | - |
| 5 | 3 | 2 | - | - | - |
| - | - | - | - | - | - |
| 58 | 22 | 21 | 12 | 3 | - |
| 3 | 1 | - | 2 | - | - |
| 1 | 1 | - | - | - | - |
| 7 | 4 | 3 | - | - | - |
| 1 | - | - | 1 | - | - |
| 4 | 3 | 1 | - | - | - |
| - | - | - | - | - | - |
| 397 | 212 | 114 | 61 | 9 | 1 |
| 38 | 29 | 4 | 3 | 1 | 1 |
| 2 | 2 | - | - | - | - |
| - | - | - | - | - | - |
| 1 | 1 | - | - | - | - |
| 41 | 32 | 4 | 3 | 1 | 1 |

TABLE 2 - AGE OF PROCEEDINGS PENDING AT THE END OF THE FISCAL YEAR (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | |
|---|--------------------------------------|--|--|-------------------------------------|--------------------------------------|-------------------------------|
| | Total pending June 30, 1958 | Number pending 6 months or less | Over 6 months but not over 12 | Over 1 year but not over 2 | Over 2 years but not over 3 | Pending over 3 years |
| SECURITIES AND EXCHANGE COMMISSION | | | | | | |
| Stop orders (SA), 15 USC §77h(d) | 23 | 3 | 14 | 6 | - | - |
| Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §80a-3 | 44 | 19 | 10 | 15 | - | - |
| Suspension or withdrawal of registration (SEA), 15 USC §80a-3 | 6 | - | 2 | 4 | - | - |
| Approval of sales, acquisitions, exemptions, or reorganization plans (POPCA), 15 USC §80a-3 | 8 | 6 | - | 2 | - | - |
| Exemption or other relief (ICA), 15 USC §80a-3 | 4 | 2 | 2 | - | - | - |
| IAA registration, 15 USC §80a-3 | 3 | 3 | - | - | - | - |
| Disbarment (SA,SEA), 15 USC §877a, 777ss, 780a, 794, 80a-37, 80b-11 | 2 | 1 | - | 1 | - | - |
| TOTALS | 90 | 34 | 28 | 28 | - | - |
| SUBVERSIVE ACTIVITIES CONTROL BOARD | | | | | | |
| Communist action, front, infiltrated organizations, 50 USC §612, 792a | 8 | - | - | 6 | 2 | 3 |
| TREASURY DEPARTMENT | | | | | | |
| COAST GUARD | | | | | | |
| Suspension or revocation of marine licenses, 46 USC §239, 239b | 191 | 93 | 43 | 50 | 5 | - |

DIRECTOR OF PRACTICE

Disbarment or suspension, 5 USC §261

THE ALCOHOL AND TOBACCO TAX DIVISION

Permit proceedings, 26 USC §§5304,

5712, 5713, 27 USC §204

GRAND TOTALS - 21 AGENCIES

| | | | | | | |
|----------|-------|-------|-----|-----|-----|---|
| | - | - | - | - | - | - |
| 12 | | | | | | |
| 5/ 7,505 | 4,990 | 1,831 | 989 | 352 | 343 | |

- 1/ Except for safety enforcement proceedings, all of the data reported by the GAB include actual figures for cases in process, but estimated figures for cases awaiting action. The GAB report explains that the number of proceedings awaiting action and the number of new cases filed are necessarily only judgement figures because it cannot be determined in advance that a particular docket will be subject to hearing or how many dockets will be consolidated into a single proceeding.
- 2/ FCC data for Part A are not broken down as to types of proceeding, but are consolidated so that the totals are available.
- 3/ Of the 14,355 Social Security cases pending on June 30, 1958, a total of 5,060 had been pending before examiners more than 60 days after receipt of the claims files. The SSA estimates that in these 5,060 cases the average time from assignment to an examiner was 6 or 7 months.
- 4/ All of these cases were suspended for the last eight months of calendar year 1956 and the entire calendar year 1958, during required reconsiderations of the Communist Party case under successive remands from the Courts.
- 5/ The last column of Table 1 reports 23,541 proceedings of all types pending on June 30, 1958. However, this table includes age data on only 7,505 of these proceedings since such data are not available for the 14,355 Social Security cases or the 1,681 Indian probate cases pending at the end of the year.

TABLE J - PROCEEDINGS CLOSED DURING THE FISCAL YEAR - MANNER OF DISPOSITION

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total cases closed during fiscal year 1958 | Dismiss- or with- drawal without decision on the merits | Examiner decision which became final without review | Agency decision on the merits without examiner decision | Agency decision on the merits after examiner decision | Default, consent, settle- ment, compro- mise and other |
|---|--|---|---|---|---|--|
| AGRICULTURE DEPARTMENT | | | | | | |
| AMA marketing order contests, 7 USC §608c(15) (A) | 14 | 7 | - | - | 5 | 1/ 2 |
| CEA and P&S cease and desist orders, 7 USC §13a, 193, 211 | 8 | - | - | - | - | 2/ 8 |
| P&S license revocation or suspension and cease and desist orders, 7 USC §1204, 205, 213, 218d | 36 | 6 | - | - | 5 | 2/ 25 |
| P&S rate determinations, 7 USC §207 | 32 | - | - | - | - | 2/ 32 |
| PACA license denial, 7 USC §499d | 5 | 2 | - | - | 2 | 2/ 1 |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §68, 9 | 1 | - | - | - | - | 2/ 1 |
| CEA susp. of trading priv., 7 USC §9 | 1 | - | - | - | - | 2/ 1 |
| PACA lic. susp. or rev., 7 USC §499h | 7 | - | - | - | 4 | 2/ 3 |
| TOTALS | 104 | 15 | - | - | 16 | 73 |
| CIVIL AERONAUTICS BOARD | | | | | | |
| Route licensing, 49 USC §481 | 65 | 27 | - | - | 14 | 3/ 24 |
| Foreign permits, 49 USC §482 | 36 | 10 | - | - | 22 | 4/ 4 |
| Adequacy of service, 49 USC §484 | 1 | - | - | - | - | 5/ 1 |
| Mail rates, 49 USC §486 | 2 | 2 | - | - | - | - |

Carrier relations, 49 USC §488,489
 Agreements, 49 USC §492
 Exemptions, 49 USC §496
 Commercial rates, 49 USC §642
 Econ. enf., 49 USC §425,493,641,642
 Medical review, 49 USC §552
 Safety enforcement, 49 USC §559
 Safety enf. non-hearing, 49 USC §559
 TOTALS

| | | | | | | |
|-----|----|-----|-----|-----|----|-------|
| 17 | 7 | - | - | - | - | 6/ |
| 6 | - | - | - | - | - | 2 |
| - | - | - | - | - | - | - |
| 22 | 1 | 1 | 1 | 1 | 1 | 7/ 15 |
| 6 | 1 | - | - | - | - | 8/ 4 |
| 28 | 5 | - | - | - | - | 9/ 1 |
| 196 | 17 | 21 | 150 | - | - | - |
| 498 | 21 | 452 | - | - | - | - |
| 877 | 91 | 623 | 1 | 111 | 25 | 51 |

CIVIL SERVICE COMMISSION

Batch Act violations, 5 USC §118k

FEDERAL COMMUNICATIONS COMMISSION 10/

Broadcast radio and television,
 47 USC §309,312,316,325,405,406
 Common carrier services,
 47 USC §204,205,216,221,222
 Safety & spec. services, 47 USC §359
 Field eng. & non., 47 USC §303(m)(2)
 TOTALS

| | | | | | | |
|-----|----|---|---|----|---|---|
| 111 | 23 | 7 | - | 81 | - | - |
|-----|----|---|---|----|---|---|

FEDERAL MARITIME BOARD

Regulatory, 46 USC §813,822,845,
 861,891,1101
 Subsidy, 46 USC §1101
 Charter, 5 USC App. §1738
 TOTALS

| | | | | | |
|----|---|---|---|----|----------|
| 13 | 2 | - | - | 6 | 11/ 511/ |
| 5 | 2 | - | - | 3 | - |
| 1 | - | - | - | 1 | - |
| 19 | 4 | - | - | 10 | 5 |

(Footnotes at end of table)

TABLE 3 - PROCEEDINGS CLOSED DURING THE FISCAL YEAR - MANNER OF DISPOSITION (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total cases closed during fiscal year 1948 | Dismiss. or with- drawn without decision on the merits | Examiner decision which became final without review | Agency Decision on the merits without examiner decision | Agency decision on the merits after examiner decision | Default, consent, settle- ment, compro- mise and other |
|--|--|--|---|---|---|--|
| | | | | | | |
| FEDERAL POWER COMMISSION | | | | | | |
| NGA §4(c) investig., 15 USC §717e(e) | 12 | 3 | - | 1 | 8 | - |
| NGA §84(e), 5(a) new schd. susp. & rate determ., 15 USC §717e(e), 717d(a) | 4 | - | 2 | - | 2 | - |
| NGA §5(a) cost and rate determinations, 15 USC §717d(a) | - | - | - | - | - | - |
| NGA §7(a) extension of facilities certificates, 15 USC §717f(a) | 7 | - | 3 | 2 | 2 | - |
| NGA §7(c) construction certificates, 15 USC §717f(c) | 22 | - | 6 | 10 | 6 | - |
| NGA §7(a), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) | - | - | - | - | - | - |
| NGA §83, 7(c) export and import appli- cations, 15 USC §717b, 717f(c) | - | - | - | - | - | - |
| NGA §7(b), (c) const. or aband. of serv. certifs., 15 USC §717f(b), (c) | 1 | - | 1 | - | - | - |
| NGA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(e) | 5 | - | - | 3 | 2 | - |
| FPA §84(g), 23(b) land occup. & navig. waters investig., 15 USC §5797g, 817 | - | - | - | - | - | - |
| FPA §205 rate determs., 16 USC §824d | 2 | - | - | 1 | 1 | - |

FPA §206 investigators, 16 USC §824e
FPA rule making, 16 USC §825h
TOTALS

FEDERAL TRADE COMMISSION

Cease & desist orders, 15 USC §813,
21,45(b), 52(a), 68d, 69e, 119a

HEALTH, EDUCATION, AND WELFARE DEPT.

FOOD AND DRUG ADMINISTRATION

Suspension of new drug applications,
21 USC §355(e)

SOCIAL SECURITY ADMINISTRATION

Appeals from benefits rights
determinations, 42 USC §405

INTERIOR DEPARTMENT

BUREAU OF LAND MANAGEMENT

Government contacts, 43 USC §1201,
30 USC §613(c) (Supp. V)
Private contests, 43 USC §1201,
30 USC §527(c) (Supp. V)
Placer mining orders, 30 USC §621(b)
Appeals from Range Managers'
decisions, 43 USC §315h
FRC enforcement proc., 43 USC §315a
TOTALS

BUREAU OF INDIAN AFFAIRS

Indian probate, 25 USC §372, 373

| | | | | | | |
|--------|-------|-------|-----|-----|--------|---------|
| 1 | - | - | - | 1 | - | - |
| 1 | - | - | 1 | - | - | - |
| 55 | 3 | 13 | 18 | 21 | - | - |
| 291 | 12/ | 11 | 13/ | 1 | 53 | 14/ 226 |
| 13,234 | 4,962 | 7,944 | - | 328 | - | - |
| 109 | 18 | 46 | - | 13 | 15/ 32 | - |
| 15 | 11 | 3 | - | - | 11/ 1 | - |
| 8 | - | 5 | - | - | 11/ 3 | - |
| 79 | 55 | 11 | - | 13 | - | - |
| 2 | 2 | - | - | - | - | - |
| 213 | 86 | 65 | - | 26 | 36 | - |
| 1,623 | - | 1,611 | - | 11 | 1 | 1 |

(Footnotes at end of table)

FORM 101-2 (Rev. 1-1-60) 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818 2819 2820 2821 2822 2823 2824 2825 2826 2827 2828 2829 2830 2831 2832 2833 2834 2835 2836 2837 2838 2839 2840 2841 2842 2843 2844 2845 2846 2847 2848 2849 2850 2851 2852 2853 2854 2855 2856 2857 2858 2859 2860 2861 2862 2863 2864 2865 2866 2867 2868 2869 2870 2871 2872 2873 2874 2875 2876 2877 2878 2879 2880 2881 2882 2883 2884 2885 2886 2887 2888 2889 2890 2891 2892 2893 2894 2895 2896 2897 2898 2899 2900 2901 2902 2903 2904 2905 2906 2907 2908 2909 2910 2911 2912 2913 2914 2915 2916 2917 2918 2919 2920 2921 2922 2923 2924 2925 2926 2927 2928 2929 2930 2931 2932 2933 2934 2935 2936 2937 2938 2939 2940 2941 2942 2943 2944 2945 2946 2947 2948 2949 2950 2951 2952 2953 2954 2955 2956 2957 2958 2959 2960 2961 2962 2963 2964 2965 2966 2967 2968 2969 2970 2971 2972 2973 2974 2975 2976 2977 2978 2979 2980 2981 2982 2983 2984 2985 2986 2987 2988 2989 2990 2991 2992 2993 2994 2995 2996 2997 2998 2999 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035 3036 3037 3038 3039 3040 3041 3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3056 3057 3058 3059 3060 3061 3062 3063 3064 3065 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077 3078 3079 3080 3081 3082 3083 3084 3085 3086 3087 3088 3089 3090 3091 3092 3093 3094 3095 3096 3097 3098 3099 3100 3101 3102 3103 3104 3105 3106 3107 3108 3109 3110 3111 3112 3113 3114 3115 3116 3117 3118 3119 3120 3121 3122 3123 3124 3125 3126 3127 3128 3129 3130 3131 3132 3133 3134 3135 3136 3137 3138 3139 3140 3141 3142 3143 3144 3145 3146 3147 3148 3149 3150 3151 3152 3153 3154 3155 3156 3157 3158 3159 3160 3161 3162 3163 3164 3165 3166 3167 3168 3169 3170 3171 3172 3173 3174 3175 3176 3177 3178 3179 3180 3181 3182 3183 3184 3185 3186 3187 3188 3189 3190 319

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b)1,2,3,5,6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b)(4)(A),(B),(C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b)(4)(D) unfair union pract.), 29 USC §160(b), (k)
 RC cases (pet. for cert. of representation), 29 USC §159(c)(1)(A)(i)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b)
 CA - CD cases, 29 USC §160(b), (k)
 CA - RC cases, 29 USC §160(b), 159(c)(1)(A)(i)
 CA - RD cases (incl. decert. petit.), 29 USC §160(b), 159(c)(1)(A)(ii)
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)
 TOTALS

POST OFFICE DEPARTMENT

Fraud & lottery, 39 USC §825,792
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302,1451
 2nd class applications, 39 USC §232
 TOTALS

| | | | | | |
|-----|----|----|-----|-----|---------|
| 253 | 14 | 38 | 40 | 111 | 16/ 50 |
| 58 | 2 | 5 | 15 | 24 | 16/ 12 |
| 75 | 8 | 9 | 19 | 26 | 16/ 13 |
| 4 | - | - | 2 | 2 | - |
| - | - | - | - | - | - |
| 75 | 2 | 3 | 34 | 23 | 16/ 13 |
| 1 | - | - | 1 | - | - |
| - | - | - | - | - | - |
| 6 | - | 2 | - | 4 | - |
| 2 | - | 1 | - | 1 | - |
| 12 | - | - | 2 | 3 | 16/ 7 |
| 5 | - | - | 2 | 2 | 16/ 1 |
| 491 | 26 | 58 | 115 | 196 | 16/ 96 |
| 146 | 6 | 11 | - | 26 | 17/ 103 |
| 55 | 3 | 7 | 1 | 35 | 18/ 9 |
| 9 | 5 | - | - | 3 | 11/ 1 |
| 14 | 1 | - | - | 13 | - |
| 224 | 15 | 18 | 1 | 77 | 113 |

(Footnotes at end of table)

TYPES OF PROCEEDINGS
REPORTED BY THE AGENCIES

| SECURITIES AND EXCHANGE COMMISSION Stop orders (SA), 15 USC §77h(d) Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §78o(b), 78o-3 Suspension or withdrawal of registra- tion (SEA), 15 USC §78s(a), 78x(b) Approval of sales, acquisitions, ex- ceptions, or reorganization plans (FURCA), 15 USC §79e, f, g, i, j, k, r Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 IMA registration, 15 USC §80b-3 Disarmament (SA, SEA), 15 USC §877s, 778ss, 78w(a), 79t, 80a-37, 80b-11 TOTALS | Total cases closed during fiscal year 1958 | Dismiss- ed or with- drawn without decision on the merits | Examiner decision which became final without review | Agency decision on the merits without examiner decision | Agency decision on the merits after examiner decision | Default, consent, settle- ment, compro- mise and other |
|--|--|---|---|---|---|--|
| | | | | | | |
| | 18 | - | - | 13 | 5 | - |
| | 62 | - | - | 45 | 17 | - |
| | 3 | - | - | 3 | - | - |
| | 6 | - | - | 6 | - | - |
| | 5 | - | - | 5 | - | - |
| | 2 | - | - | 1 | 1 | - |
| | 1 | - | - | 1 | - | - |
| TOTALS | 97 | - | - | 74 | 23 | - |
| SUBVERSIVE ACTIVITIES CONTROL BOARD Communist action, front, infiltrated organizations, 50 USC §592, 792a | 6 | 3 | - | - | 3 | - |
| TREASURY DEPARTMENT COAST GUARD Suspension or revocation of marine licenses, 46 USC §1239, 239b | 1,497 | 8 | 1,405 | - | 76 | 10/8 |

DIRECTOR OF PRACTICE

Disbarment or suspension, 5 USC §2611

MRS ALCOHOL AND TOBACCO TAX DIVISION

Permit proceedings, 26 USC 55304,

5712, 5713, 27 USC § 204

GRAND TOTALS - 27 AGENCIES

| | | | | | |
|--------|-------|--------|-------|-------|-------|
| 61 | 18 | 9 | - | 24 | 20/10 |
| 25,824 | 7,953 | 19,196 | 1,205 | 2,843 | 625 |

- 1/ Consent dismissed
- 2/ Consent order
- 3/ 20 moot and 4 default
- 4/ Moot
- 5/ Manner of disposition
- 6/ not indicated
- 7/ 1 moot and 1 settled
- 8/ 1 moot, 8 settled, 6 disposition not indicated
- 9/ 2 settled and 2 disposition not indicated
- 10/ Terminated as a medical review case and re-instituted in complaint status
- 11/ 3 affidavit of discontinuance and 15 default orders
- 12/ 3 affidavit of discontinuance and 6 default orders
- 13/ 2 deaths, 5 change of venue, 1 voluntary surrender of document after hearing started
- 14/ 9 settlement and 1 default order

TABLE A - OVER-ALL TIME FROM COMMENCEMENT OF PROCEEDING TO FINAL AGENCY
DISPOSITION - PROCEEDINGS CLOSED DURING THE FISCAL YEAR BY AGENCY
FINAL DECISION ON THE MERITS AFTER AN EXAMINER'S DECISION

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | |
|--|---|-------------------------------------|--|-------------------------------------|--------------------------------------|--------------------|
| | Total closed by final decision | Closed in 6 months or less | Over 6 months but not over 12 | Over 1 year but not over 2 | Over 2 years but not over 3 | Over 3 years |
| AGRICULTURE DEPARTMENT | | | | | | |
| AMA marketing order contests, 7 USC §608c(15)(A) | 5 | - | - | 3 | - | 2 |
| CEA and P&S cease and desist orders, 7 USC §§13a, 193, 211 | - | - | - | - | - | - |
| P&S license revocation or suspension and cease and desist orders, 7 USC §§204, 205, 213, 218d | 5 | 2 | 2 | 1 | - | - |
| P&S rate determinations, 7 USC §207 | - | - | - | - | - | - |
| PACA license denial, 7 USC §499d | 2 | 1 | 1 | - | - | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §§6g, 9 | - | - | - | - | - | - |
| CEA susp. of trading priv., 7 USC §9 | - | - | - | - | - | - |
| PACA lic. susp. or rev., 7 USC §499h | 4 | 4 | - | - | - | - |
| TOTALS | 16 | 7 | 3 | 4 | - | 2 |
| CIVIL AERONAUTICS BOARD | | | | | | |
| Route licensing, 49 USC §481 | 14 | 5 | 1 | 3 | 1 | 4 |
| Foreign permits, 49 USC §482 | 22 | 15 | 4 | 1 | - | 2 |
| Adequacy of service, 49 USC §484 | - | - | - | - | - | - |
| Mail rates, 49 USC §486 | - | - | - | - | - | - |
| Carrier relations, 49 USC §488, 489 | 8 | 1 | 5 | 1 | - | 1 |

Agreements, 49 USC §492
 Exemptions, 49 USC §496
 Commercial rates, 49 USC §642
 Econ. enf., 49 USC §§425, 495, 641, 642
 Medical review, 49 USC §552
 Safety enforcement, 49 USC §559
 Safety enf. non-hearing, 49 USC §559
 TOTALS

| | | | | | | |
|-----|----|----|----|---|---|---|
| 6 | 5 | 1 | - | - | - | - |
| - | - | - | - | - | - | - |
| 5 | - | 3 | 1 | 1 | 1 | - |
| 1 | - | - | 1 | 1 | - | - |
| 1 | - | - | 1 | 1 | - | - |
| 29 | 7 | 13 | 7 | 2 | 2 | - |
| 25 | 15 | 8 | 5 | - | - | - |
| 111 | 48 | 32 | 20 | 4 | - | 7 |

CIVIL SERVICE COMMISSION

Hatch Act violations, 5 USC §118k

FEDERAL COMMUNICATIONS COMMISSION^{1/}

Broadcast radio and television,
 47 USC §§309, 312, 316, 325, 405, 406
 Common carrier services,
 47 USC §§204, 205, 214, 221, 222
 Safety & spec. services, 47 USC §359
 Field eng. & mon., 47 USC §303(m) (2)
 TOTALS

| | | | | | | |
|----|---|----|----|----|---|---|
| 1 | - | 1 | - | - | - | - |
| 81 | 3 | 29 | 30 | 10 | - | 9 |

FEDERAL MARITIME BOARD

Regulatory, 46 USC §813, 822, 845,
 861, 891, 1101
 Subsidy, 46 USC §1101
 Charter, 5 USC App. §1738
 TOTALS

| | | | | | | |
|----|---|---|---|---|---|---|
| 6 | - | 1 | 2 | 2 | 1 | 1 |
| 3 | - | - | 3 | - | - | - |
| 1 | 1 | - | - | - | - | - |
| 10 | 1 | 1 | 5 | 2 | 1 | 1 |

TABLE 4 - OVER-ALL TIME FROM COMMENCEMENT OF PROCEEDING TO FINAL AGENCY
DISPOSITION - PROCEEDINGS CLOSED DURING THE FISCAL YEAR BY AGENCY
FINAL DECISION ON THE MERITS AFTER AN EXAMINER'S DECISION (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | |
|--|---|-------------------------------------|--|-------------------------------------|--------------------------------------|
| | Total closed by final decision | Closed in 6 months or less | Over 6 months but not over 12 | Over 1 year but not over 2 | Over 2 years but not over 3 |
| FEDERAL POWER COMMISSION | | | | | |
| NGA §4(e) investg., 15 USC §717e(e) | 8 | - | 2 | 1 | 4 |
| NGA §54(e), 5(a) new schd. susp. & rate determ., 15 USC §717e(e), 717d(a) | 2 | - | - | - | 2 |
| NGA §5(a) cost and rate determinations, 15 USC §717d(a) | - | - | - | - | - |
| NGA §7(a) extension of facilities certificates, 15 USC §717f(a) | 2 | - | 1 | - | 1 |
| NGA §7(c) construction certificates, 15 USC §717f(c) | 6 | - | 2 | 4 | - |
| NGA §7(a), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) | - | - | - | - | - |
| NGA §43, 7(c) export and import appli- cations, 15 USC §717b, 717f(c) | - | - | - | - | - |
| NGA §7(b), (c) constr. or aband. of serv. certifs., 15 USC §717f(b), (c) | - | - | - | - | - |
| NGA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(e) | 2 | - | - | 1 | 1 |
| FPA §4(g), 23(b) land occup. & naviga- tion investg., 15 USC §879g, 817 | - | - | - | - | - |
| FPA §205 rate determs., 16 USC §824d | 1 | - | 1 | - | - |

FPA \$206 Investigators., 16 USC §824e
FPA rule making, 16 USC §825h
TOTALS

FEDERAL TRADE COMMISSION

Cease & desist orders, 15 USC §813,
21,45(b), 52, 55(a), 68d, 69f, 1194

HEALTH, EDUCATION, AND WELFARE DEPT.

FOOD AND DRUG ADMINISTRATION

Suspension of new drug applications,
21 USC §355(e)

SOCIAL SECURITY ADMINISTRATION

Appeals from benefits rights
determinations, 42 USC §405

INTERIOR DEPARTMENT

BUREAU OF LAND MANAGEMENT

Government contests, 43 USC §1201,
30 USC §613(c) (Supp. V)

Private contests, 43 USC §1201,
30 USC §527(c) (Supp. V)

Placer mining orders, 30 USC §621(b)
Appeals from Range Managers'
decisions, 43 USC §315h

FRC enforcement proc., 43 USC §315a
TOTALS

BUREAU OF INDIAN AFFAIRS^{2/}

Indian probate, 25 USC §9372, 373

| | | | | | | | | | |
|------------|----------------------|---|----|----|----|---|---|---|---|
| - | - | - | - | - | - | - | - | - | - |
| 21 | - | - | 6 | 6 | - | - | - | 6 | - |
| 53 | 1 | 8 | 26 | 13 | 5 | | | | |
| - | - | - | - | - | - | - | - | - | - |
| - 5/ (325) | (Data not available) | | | | | | | | |
| 13 | - | - | - | 4 | 9 | | | | |
| - | - | - | - | - | - | | | | |
| 13 | - | - | 1 | - | 12 | | | | |
| 26 | - | - | 1 | - | - | | | | |
| | - | - | 1 | 4 | 21 | | | | |
| 11 | 3 | - | 5 | 2 | 1 | | | | |

4 - OVER-ALL TIME FROM COMMENCEMENT OF PROCEEDING TO FINAL AGENCY
DITIGATION - PROCEEDINGS CLOSED DURING THE FISCAL YEAR BY AGENCY
FINAL DECISION ON THE MERITS AFTER AN EXAMINER'S DECISION (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total closed by final decision | Closed in 6 months or less | Number of proceedings | | | |
|--|--|--|---|--|---|---|
| | | | Over 6 months but not over 12 | Over 1 year but not over 2 | Over 2 years but not over 3 | Over 3 years |
| INTERSTATE COMMERCE COMMISSION Certific. of conven. & nec., 49 USC §§1(19), 1(21), 6(11), 305, 909, 1010 Finance and transfer of operating authority, 49 USC §§312, 912, 1010 Rates, fares, and charges, 49 USC §§6(6), 16(1), 906(e), 908(d), 1005 Bankruptcy Act reorganizations, 11 USC §205 Compliance and rules investigations, 49 USC §§305(c), 312, 904(e), 1010(f) TOTALS | 1,331 88 231 - 37 1,687 | 102 3 2 - - 107 | 685 18 57 - 15 775 | 495 60 124 - 14 693 | 33 6 37 - 4 80 | 16 1 11 - 4 32 |
| JUSTICE DEPT., OFFICE OF ALIEN PROPERTY Claims, 50 USC App. §19, 37, 34 | 86 | 6 | 18 | 42 | 12 | 8 |
| LABOR DEPARTMENT Walsh-Healey Act enforce., 41 USC §39 Determination as to statutory qual- ification to contract, 41 USC §39 Davis-Bacon Act minimum wage determinations, 40 USC §276a TOTALS | 9 4 - 23 | - 1 1 | 2 1 - | 7 2 - | - - - | - - - |

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b)1,2,3,5,6-unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b)(4)(A),(B),(C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b)(4)(D) unfair union pract.) 29 USC §160(b), (k)
 CE cases (pet. for cert. of representatives), 29 USC §159(c)(1)(A)(i)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b)
 CA - CD cases, 29 USC §160(b), (k)
 CA - CE cases, 29 USC §160(b), (k)
 159(c)(1)(A)(i)
 CA - CE cases (incl. decert. petit.), 29 USC §160(b), 159(c)(1)(A)(ii)
 CB - CE cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)
 TOTALS

| | | | | | |
|-----|----|----|-----|---|---|
| 121 | 2 | 40 | 65 | 4 | - |
| 24 | - | 14 | 10 | - | - |
| 26 | - | 18 | 8 | - | - |
| 2 | - | 1 | 1 | - | - |
| - | - | - | - | - | - |
| 23 | - | 5 | 16 | 2 | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| 4 | 1 | 2 | - | 1 | - |
| 1 | - | 1 | - | - | - |
| 3 | - | - | 3 | - | - |
| 2 | - | 1 | 1 | - | - |
| 196 | 3 | 82 | 104 | 7 | - |
| 26 | 2 | 16 | 4 | 2 | 2 |
| 35 | 15 | 16 | 3 | - | 1 |
| 3 | 3 | - | - | - | - |
| 13 | 4 | 7 | 1 | 1 | - |
| 77 | 24 | 39 | 8 | 3 | 3 |

POST OFFICE DEPARTMENT

Fraud & Lottery, 39 USC §259,732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302,1461
 2nd class applications, 39 USC §232
 TOTALS

1. OVER-ALL TIME FROM COMMENCEMENT OF PROCEEDING TO FINAL AGENCY
DISPOSITION - PROCEEDINGS CLOSED DURING THE FISCAL YEAR BY AGENCY
FINAL DECISION ON THE MERITS AFTER AN EXAMINER'S DECISION (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | |
|---|---|-------------------------------------|--|-------------------------------------|--------------------------------------|--------------------|
| | Total closed by final decision | Closed in 6 months or less | Over 6 months but not over 12 | Over 1 year but not over 2 | Over 2 years but not over 3 | Over 3 years |
| <u>SECURITIES AND EXCHANGE COMMISSION</u> | | | | | | |
| Stop orders (SA), 15 USC §77h(d) | 5 | - | 5 | - | - | - |
| Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §578o(b), 78o-3 | 17 | - | 11 | 5 | 1 | - |
| Suspension or withdrawal of registra- tion (SEA), 15 USC §578a(a), 78x(b) | - | - | - | - | - | - |
| Approval of sales, acquisitions, ex- ceptions, or reorganization plans (PUBCA), 15 USC §579a, §579b, §579c, §579d, §579e, §579f, §579g, §579h, §579i, §579j, §579k, §579l, §579m, §579n, §579o, §579p, §579q, §579r, §579s, §579t, §579u, §579v, §579w, §579x, §579y, §579z, §579aa, §579ab, §579ac, §579ad, §579ae, §579af, §579ag, §579ah, §579ai, §579aj, §579ak, §579al, §579am, §579an, §579ao, §579ap, §579aq, §579ar, §579as, §579at, §579au, §579av, §579aw, §579ax, §579ay, §579az, §579ba, §579bb, §579bc, §579bd, §579be, §579bf, §579bg, §579bh, §579bi, §579bj, §579bk, §579bl, §579bm, §579bn, §579bo, §579bp, §579bq, §579br, §579bs, §579bt, §579bu, §579bv, §579bw, §579bx, §579by, §579bz, §579ca, §579cb, §579cc, §579cd, §579ce, §579cf, §579cg, §579ch, §579ci, §579cj, §579ck, §579cl, §579cm, §579cn, §579co, §579cp, §579cq, §579cr, §579cs, §579ct, §579cu, §579cv, §579cw, §579cx, §579cy, §579cz, §579da, §579db, §579dc, §579dd, §579de, §579df, §579dg, §579dh, §579di, §579dj, §579dk, §579dl, §579dm, §579dn, §579do, §579dp, §579dq, §579dr, §579ds, §579dt, §579du, §579dv, §579dw, §579dx, §579dy, §579dz, §579ea, §579eb, §579ec, §579ed, §579ee, §579ef, §579eg, §579eh, §579ei, §579ej, §579ek, §579el, §579em, §579en, §579eo, §579ep, §579eq, §579er, §579es, §579et, §579eu, §579ev, §579ew, §579ex, §579ey, §579ez, §579fa, §579fb, §579fc, §579fd, §579fe, §579ff, §579fg, §579fh, §579fi, §579fj, §579fk, §579fl, §579fm, §579fn, §579fo, §579fp, §579fq, §579fr, §579fs, §579ft, §579fu, §579fv, §579fw, §579fx, §579fy, §579fz, §579ga, §579gb, §579gc, §579gd, §579ge, §579gf, §579gg, §579gh, §579gi, §579gj, §579gk, §579gl, §579gm, §579gn, §579go, §579gp, §579gq, §579gr, §579gs, §579gt, §579gu, §579gv, §579gw, §579gx, §579gy, §579gz, §579ha, §579hb, §579hc, §579hd, §579he, §579hf, §579hg, §579hh, §579hi, §579hj, §579hk, §579hl, §579hm, §579hn, §579ho, §579hp, §579hq, §579hr, §579hs, §579ht, §579hu, §579hv, §579hw, §579hx, §579hy, §579hz, §579ia, §579ib, §579ic, §579id, §579ie, §579if, §579ig, §579ih, §579ii, §579ij, §579ik, §579il, §579im, §579in, §579io, §579ip, §579iq, §579ir, §579is, §579it, §579iu, §579iv, §579iw, §579ix, §579iy, §579iz, §579ja, §579jb, §579jc, §579jd, §579je, §579jf, §579jg, §579jh, §579ji, §579jj, §579jk, §579jl, §579jm, §579jn, §579jo, §579jp, §579jq, §579jr, §579js, §579jt, §579ju, §579jv, §579jw, §579jx, §579jy, §579jz, §579ka, §579kb, §579kc, §579kd, §579ke, §579kf, §579kg, §579kh, §579ki, §579kj, §579kl, §579km, §579kn, §579ko, §579kp, §579kq, §579kr, §579ks, §579kt, §579ku, §579kv, §579kw, §579kx, §579ky, §579kz, §579la, §579lb, §579lc, §579ld, §579le, §579lf, §579lg, §579lh, §579li, §579lj, §579lk, §579ll, §579lm, §579ln, §579lo, §579lp, §579lq, §579lr, §579ls, §579lt, §579lu, §579lv, §579lw, §579lx, §579ly, §579lz, §579ma, §579mb, §579mc, §579md, §579me, §579mf, §579mg, §579mh, §579mi, §579mj, §579mk, §579ml, §579mn, §579mo, §579mp, §579mq, §579mr, §579ms, §579mt, §579mu, §579mv, §579mw, §579mx, §579my, §579mz, §579na, §579nb, §579nc, §579nd, §579ne, §579nf, §579ng, §579nh, §579ni, §579nj, §579nk, §579nl, §579nm, §579nn, §579no, §579np, §579nq, §579nr, §579ns, §579nt, §579nu, §579nv, §579nw, §579nx, §579ny, §579nz, §579oa, §579ob, §579oc, §579od, §579oe, §579of, §579og, §579oh, §579oi, §579oj, §579ok, §579ol, §579om, §579on, §579oo, §579op, §579oq, §579or, §579os, §579ot, §579ou, §579ov, §579ow, §579ox, §579oy, §579oz, §579pa, §579pb, §579pc, §579pd, §579pe, §579pf, §579pg, §579ph, §579pi, §579pj, §579pk, §579pl, §579pm, §579pn, §579po, §579pp, §579pq, §579pr, §579ps, §579pt, §579pu, §579pv, §579pw, §579px, §579py, §579pz, §579qa, §579qb, §579qc, §579qd, §579qe, §579qf, §579qg, §579qh, §579qi, §579qj, §579qk, §579ql, §579qm, §579qn, §579qo, §579qp, §579qq, §579qr, §579qs, §579qt, §579qu, §579qv, §579qw, §579qx, §579qy, §579qz, §579ra, §579rb, §579rc, §579rd, §579re, §579rf, §579rg, §579rh, §579ri, §579rj, §579rk, §579rl, §579rm, §579rn, §579ro, §579rp, §579rq, §579rr, §579rs, §579rt, §579ru, §579rv, §579rw, §579rx, §579ry, §579rz, §579sa, §579sb, §579sc, §579sd, §579se, §579sf, §579sg, §579sh, §579si, §579sj, §579sk, §579sl, §579sm, §579sn, §579so, §579sp, §579sq, §579sr, §579ss, §579st, §579su, §579sv, §579sw, §579sx, §579sy, §579sz, §579ta, §579tb, §579tc, §579td, §579te, §579tf, §579tg, §579th, §579ti, §579tj, §579tk, §579tl, §579tm, §579tn, §579to, §579tp, §579tq, §579tr, §579ts, §579tt, §579tu, §579tv, §579tw, §579tx, §579ty, §579tz, §579ua, §579ub, §579uc, §579ud, §579ue, §579uf, §579ug, §579uh, §579ui, §579uj, §579uk, §579ul, §579um, §579un, §579uo, §579up, §579uq, §579ur, §579us, §579ut, §579uu, §579uv, §579uw, §579ux, §579uy, §579uz, §579va, §579vb, §579vc, §579vd, §579ve, §579vf, §579vg, §579vh, §579vi, §579vj, §579vk, §579vl, §579vm, §579vn, §579vo, §579vp, §579vq, §579vr, §579vs, §579vt, §579vu, §579vv, §579vw, §579vx, §579vy, §579vz, §579wa, §579wb, §579wc, §579wd, §579we, §579wf, §579wg, §579wh, §579wi, §579wj, §579wk, §579wl, §579wm, §579wn, §579wo, §579wp, §579wq, §579wr, §579ws, §579wt, §579wu, §579wv, §579ww, §579wx, §579wy, §579wz, §579xa, §579xb, §579xc, §579xd, §579xe, §579xf, §579xg, §579xh, §579xi, §579xj, §579xk, §579xl, §579xm, §579xn, §579xo, §579xp, §579xq, §579xr, §579xs, §579xt, §579xu, §579xv, §579xw, §579xx, §579xy, §579xz, §579ya, §579yb, §579yc, §579yd, §579ye, §579yf, §579yg, §579yh, §579yi, §579yj, §579yk, §579yl, §579ym, §579yn, §579yo, §579yp, §579yq, §579yr, §579ys, §579yt, §579yu, §579yv, §579yw, §579yx, §579yy, §579yz, §579za, §579zb, §579zc, §579zd, §579ze, §579zf, §579zg, §579zh, §579zi, §579zj, §579zk, §579zl, §579zm, §579zn, §579zo, §579zp, §579zq, §579zr, §579zs, §579zt, §579zu, §579zv, §579zw, §579zx, §579zy, §579zz | 23 | - | 16 | 5 | 1 | 1 |
| TOTALS | 23 | - | 16 | 5 | 1 | 1 |
| <u>SUBVERSIVE ACTIVITIES CONTROL BOARD</u> | | | | | | |
| Communist action, front, infiltrated organizations, 50 USC §5792, 792a | 3/ 2 | - | - | 4/ 1 | - | 4/ 1 |
| <u>COAST GUARD</u> | | | | | | |
| Suspension or revocation of marine licenses, 46 USC §5239, 239b | 26 | 1 | 50 | 19 | 2 | 4 |

| | | | | | | | |
|---|--|----------|--|-----|--|-------|--|
| <u>DIRECTOR OF PRACTICE</u> | | | | | | | |
| Disbarment or suspension, 5 USC §261 | | | | | | | |
| <u>IRS ALCOHOL AND TOBACCO TAX DIVISION</u> | | | | | | | |
| Permit proceedings, 26 USC §§5304, | | | | | | | |
| 5712, 5713, 27 USC §204 | | 24 | | 21 | | 3 | |
| <u>GRAND TOTALS - 21 AGENCIES</u> | | 5/ 2,514 | | 226 | | 1,063 | |
| | | | | | | 981 | |
| | | | | | | 146 | |
| | | | | | | 98 | |

1/ FCC data for Part A are not broken down as to types of proceeding, but are consolidated so that the totals are available.

2/ Indian probate cases are commenced when the Examiner of Inheritance receives notice from an agency Superintendent that an Indian has died. Data on the period from that time to closing of the case by the Examiner are not available. Very few of these cases are appealed to the agency. The figures in table 4 refer only to the period from receipt of appeal to final agency decision in these few cases which were appealed.

3/ One SACB case was disposed of by final decision in July 1957, reopened shortly thereafter, and again disposed of by final decision in December 1957. In computing over-all time involved for purposes of this table, this case is reported only once, by the time from commencement to the first final decision.

4/ These cases were suspended for the last 8 months of calendar year 1956, during required reconsideration of the Communist Party case under court remand.

5/ The fifth column of Table 3 reports a grand total of 2,843 proceedings disposed of during the year by agency final decision after an examiner's decision. This table presents data on only 2,514 of these proceedings because such data are not available for the 328 Social Security appeals, and because the one SACB matter referred to in Footnote 3 above is counted as one proceeding in this table whereas it was counted as two proceedings for purposes of Table 3.

J - LENGTH OF TIME FROM COMMENCEMENT OF PROCEEDING TO DATE OF ASSIGNMENT
TO EXAMINER - PROCEEDINGS CLOSED DURING THE FISCAL YEAR BY AGENCY
FINAL DECISION ON THE MERITS AFTER AN EXAMINER'S DECISION

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | |
|--|---|--|--------------------------------------|---------------------------------------|--|-------------------|
| | Total closed by final decision | Assigned to ex'mr. in 1 mo. or less | Over 1 month but not over 3 | Over 3 months but not over 6 | Over 6 months but not over 12 | Over 1 year |
| AGRICULTURE DEPARTMENT | | | | | | |
| AMA marketing order contests, 7 USC §608c(15)(A) | 5 | 4 | 1 | - | - | - |
| CEA and P&S cease and desist orders, 7 USC §§13a, 193, 211 | - | - | - | - | - | - |
| P&S license revocation or suspension and cease and desist orders, 7 USC §§204, 205, 213, 218d | 5 | 5 | - | - | - | - |
| P&S rate determinations, 7 USC §207 | - | - | - | - | - | - |
| PACA license denial, 7 USC §499d | 2 | 2 | - | - | - | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §65g, 9 | - | - | - | - | - | - |
| CEA susp. of trading priv., 7 USC §9 | - | - | - | - | - | - |
| PACA lic. susp. or rev., 7 USC §499b | 4 | 4 | - | - | - | - |
| TOTALS | 16 | 15 | 1 | - | - | - |
| CIVIL AERONAUTICS BOARD | | | | | | |
| 1/ Route licensing, 49 USC §481 | 14 | 1 | 6 | 1 | 2 | 4 |
| Foreign permits, 49 USC §482 | 22 | 17 | 1 | 2 | - | 2 |
| Adequacy of service, 49 USC §484 | - | - | - | - | - | - |

TABLE 3 - LENGTH OF TIME FROM COMMENCEMENT OF PROCEEDING TO DATE OF ASSIGNMENT
TO EXAMINER - PROCEEDINGS CLOSED DURING THE FISCAL YEAR BY AGENCY
FINAL DECISION ON THE MERITS AFTER AN EXAMINER'S DECISION (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total closed by final decision | Number of proceedings | | | | |
|--|---|--|--------------------------------------|---------------------------------------|--|-------------------|
| | | Assigned to ex'mr. in 1 mo. or less | Over 1 month but not over 3 | Over 3 months but not over 6 | Over 6 months but not over 12 | Over 1 year |
| FEDERAL POWER COMMISSION | | | | | | |
| NRA §4(c) investig., 15 USC §717e(e) | 8 | 2 | 3 | 2 | 1 | - |
| NRA §4(e), 5(a) new sched. susp. & rate determ., 15 USC §717c(e), 717d(a) | 2 | - | - | - | - | 2 |
| NRA §5(a) cost and rate determinations, 15 USC §717d(a) | - | - | - | - | - | - |
| NRA §7(a) extension of facilities certificates, 15 USC §717f(a) | 2 | - | - | 1 | - | 1 |
| NRA §7(c) construction certificates, 15 USC §717f(c) | 6 | - | - | 3 | 3 | - |
| NRA §7(e), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) | - | - | - | - | - | - |
| NRA §83.7(c) export and import appli- cations, 15 USC §717b, 717f(c) | - | - | - | - | - | - |
| NRA §87(b), (c) constr. or aband. of serv. certifs., 15 USC §717f(b), (c) | - | - | - | - | - | - |
| NRA §7 certificates other than 7(e) certificates, 15 USC §717f(e) | - | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(e) | 2 | - | - | - | 1 | 1 |
| FPA §4(g), 23(b) land occup. & navig. waters investig., 15 USC §879g, 817 | - | - | - | - | - | - |
| FPA §205 rate determs., 16 USC §824d | 1 | - | - | 1 | - | - |

FPA §206 investigators, 16 USC §824e
FPA rule making, 16 USC §825h
TOTALS

FEDERAL TRADE COMMISSION

Cease & desist orders, 15 USC §§13,
21, 43(b), 52, 55(a), 68d, 69f, 119a

HEALTH, EDUCATION, AND WELFARE DEPT.

FOOD AND DRUG ADMINISTRATION
Suspension of new drug applications,
21 USC §355(e)

SOCIAL SECURITY ADMINISTRATION

Appeals from benefits rights
determinations, 42 USC §405

INTERIOR DEPARTMENT

BUREAU OF LAND MANAGEMENT

Government contests, 43 USC §1201,
30 USC §613(e) (Supp. V)
Private contests, 43 USC §1201,
30 USC §527(c) (Supp. V)
Placer mining orders, 30 USC §621(b)
Appeals from Range Managers'
decisions, 43 USC §115h
FRC enforcement proc., 43 USC §315a
TOTALS

BUREAU OF INDIAN AFFAIRS

Indian probate, 25 USC §4372, 373

(Footnotes at end of table)

| | | | | | | | | | |
|----|----|-----|---|---|----|---|---|---|---|
| - | - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - | - |
| 21 | 21 | 2 | 3 | 7 | 5 | 4 | | | |
| 53 | 53 | - | - | - | 4/ | 1 | | | |
| - | - | - | - | - | - | - | | | |
| 2/ | 2/ | 328 | | | | | | | |
| 13 | 13 | 6 | 2 | 1 | 1 | 3 | | | |
| - | - | - | - | - | - | - | | | |
| 13 | 13 | 3 | 7 | 2 | 1 | - | | | |
| 26 | 26 | 9 | 9 | 3 | 2 | 3 | | | |
| 2/ | 2/ | | | | | | | | |
| 11 | 11 | | | | | | | | |

WORLD UP TIME FROM COMMENCEMENT OF PROCEEDING TO DATE OF ASSIGNMENT
TO EXAMINER - PROCEEDINGS CLOSED DURING THE FISCAL YEAR BY AGENCY
FINAL DECISION ON THE MERITS AFTER AN EXAMINER'S DECISION (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | Over 1 year |
|--|---|--|--------------------------------------|---------------------------------------|--|-------------------|
| | Total closed by final decision | Assigned to ex'mr. in 1 mo. or less | Over 1 month but not over 3 | Over 3 months but not over 6 | Over 6 months but not over 12 | |
| INTERSTATE COMMERCE COMMISSION | | | | | | |
| Certifs. of conven. & neg., 49 USC | | | | | | |
| \$§1(19), 1(21), 6(11), 305, 909, 1010 | 1,331 | 255 | 632 | 356 | 60 | 28 |
| Finance and transfer of operating | | | | | | |
| authority, 49 USC §§12, 912, 1010 | 88 | - | 27 | 23 | 35 | 3 |
| Rates, fares, and charges, 49 USC | | | | | | |
| \$§6(6), 16(1), 906(e), 908(d), 1005 | 231 | 83 | 86 | 35 | 18 | 9 |
| Bankruptcy Act reorganizations, | | | | | | |
| 11 USC §205 | - | - | - | - | - | - |
| Compliance and rules investigations, | | | | | | |
| 49 USC §§305(a), 312, 904(e), 1010(f) | 37 | - | 20 | 9 | 4 | 4 |
| TOTALS | 1,687 | 338 | 765 | 423 | 117 | 44 |
| JUSTICE DEPT., OFFICE OF ALIEN PROPERTY | | | | | | |
| Claims, 50 USC App. §§9, 32, 34 | 2/ | | | | | |
| LABOR DEPARTMENT | | | | | | |
| Walsh-Healey Act enforce., 41 USC §39 | | | | | | |
| Determinations as to statutory quali- | 9 | 9 | - | - | - | - |
| fication to contract, 41 USC §39 | | | | | | |
| Davis-Bacon Act minimum wage | 4 | 4 | - | - | - | - |
| determinations, 40 USC §276a | | | | | | |
| TOTALS | 13 | 13 | - | - | - | - |

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b) 1,2,3,5,6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b) (4) (A), (B), (C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b) (4) (D) unfair union pract.) 29 USC §160(b), (k)
 EC cases (pet. for cert. of representatives), 29 USC §159(c) (1) (A) (i)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b)
 CA - CD cases, 29 USC §160(b), (k)
 CA - EC cases, 29 USC §160(b), 159(c) (1) (A) (i)
 CA - ED cases (incl. decert. petit.), 29 USC §160(b), 159(c) (1) (A) (i)
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)

TOTALS

POST OFFICE DEPARTMENT

Fraud & lottery, 39 USC §259,732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302,1461
 2nd class applications, 39 USC §232

TOTALS

| | | | | | |
|-----|----|-----|----|---|---|
| 111 | 10 | 80 | 19 | 2 | - |
| 24 | 4 | 14 | 6 | - | - |
| 26 | 4 | 13 | 9 | - | - |
| 2 | 1 | 1 | - | - | - |
| - | - | - | - | - | - |
| 23 | - | 17 | 5 | 1 | - |
| - | - | - | - | - | - |
| - | - | - | - | - | - |
| 4 | - | 3 | 1 | - | - |
| 1 | - | 1 | - | - | - |
| 3 | - | 2 | 1 | - | - |
| 2 | - | 1 | 1 | - | - |
| 196 | 19 | 132 | 42 | 3 | - |
| 26 | 26 | - | - | - | - |
| 35 | 35 | - | - | - | - |
| 3 | 2 | 1 | - | - | - |
| 13 | 9 | 4 | - | - | - |
| 77 | 72 | 5 | - | - | - |

(Footnotes at end of table)

TABLE 5 - LENGTH OF TIME FROM COMMENCEMENT OF PROCEEDING TO DATE OF ASSIGNMENT
TO EXAMINER - PROCEEDINGS CLOSED DURING THE FISCAL YEAR BY AGENCY
FINAL DECISION ON THE MERITS AFTER AN EXAMINER'S DECISION (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | |
|---|---|--|--------------------------------------|---------------------------------------|--|-------------------|
| | Total closed by final decision | Assigned to ex'at, in 1 mo. or less | Over 1 month but not over 3 | Over 3 months but not over 6 | Over 6 months but not over 12 | Over 1 year |
| SECURITIES AND EXCHANGE COMMISSION Stop orders (SA), 15 USC §77h(d) Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §87b(b), 78o-3 Suspension or withdrawal of registra- tion (SEA), 15 USC §87b(a), 78o(b) Approval of sales, acquisitions, ex- emptions, or reorganization plans (PUTCA), 15 USC §879o, §87i, j, k, r Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 LAA registration, 15 USC §80b-3 Disbarment (SA, SEA), 15 USC §877a, 77ass, 78w(a), 79t, 80a-37, 80b-11 TOTALS | 5 | 5 | - | - | - | - |
| | 17 | 17 | - | - | - | - |
| | - | - | - | - | - | - |
| | - | - | - | - | - | - |
| | - | - | - | - | - | - |
| | 1 | 1 | - | - | - | - |
| | - | - | - | - | - | - |
| | 23 | 23 | - | - | - | - |
| | 2 | - | - | - | 1 | 1 |
| | 2/ | | | | | |
| 26 | 26 | | | | | |
| SUBVERSIVE ACTIVITIES CONTROL BOARD Communist action, front, infiltrated organizations, 50 USC §8792, 792a | | | | | | |
| | | | | | | |
| TREASURY DEPARTMENT COAST GUARD Suspension or revocation of marine licenses, 46 USC §239, 239b | | | | | | |
| | | | | | | |

DIRECTOR OF PRACTICE

Disbarment or suspension, 5 USC §261

IRS ALCOHOL AND TOBACCO TAX DIVISION

Permit proceedings, 26 USC §45304,
5712, 5713, 27 USC §204

GRAND TOTAL - 21 AGENCIES

| | | | | | | |
|----|-------|-----|-----|-----|-----|----|
| | - | - | - | - | - | - |
| | 24 | 23 | 1 | - | - | - |
| 5/ | 2,842 | 624 | 930 | 488 | 134 | 58 |

1/ CAB medical review and other safety enforcement proceedings are assigned to examiners at the time they are commenced. Other CAB proceedings are assigned after they are commenced. However, because the data as to the periods of time between commencement and assignment are not available, the CAB figures in this table indicate, in lieu thereof, the somewhat longer periods of time from commencement to opening of the prehearing conference, or if there was no prehearing conference, to opening of the hearing. We are advised that the period from assignment to an examiner to opening of the conference or hearing is generally brief.

2/ All of the proceedings of this type are assigned to examiners at the time they are commenced.

3/ POC data for Part A are not broken down as to types of proceeding, but are consolidated so that the totals are available.

4/ With one exception, all cases were assigned to examiners at the time of the issuance of complaint.

5/ The total number of cases closed during the fiscal year by agency final decision on the merits after an examiner's decision (2,842, as shown in the 1st column) exceeds the total number of cases reported in the other columns by 608. This is because 55 CAB cases, 52 PTC cases, and all Social Security cases (328), Indian probate cases (11), Alien Property cases (86), and Coast Guard cases (76) were assigned to examiners simultaneous with their commencement and therefore are not included in any of the columns indicating periods of time between commencement and assignment.

TABLE 6 - 11M,TH OF TIME UNDER ADJUDICATION BY THE AGENCY - PROCEEDINGS
CLOSED WITHIN FISCAL YEAR BY AGENCY FINAL DECISION ON THE
MERITS AFTER AN EXAMINER'S DECISION

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | |
|--|---|---|--|---|--|---|
| | Total closed by final decision | Under ad- judication 1 month or less | Over 1 month but not over 3 months | Over 3 months but not over 6 months | Over 6 months but not over 12 months | Under ad- judication over 1 year |
| AGRICULTURE DEPARTMENT | | | | | | |
| AMA marketing order contests, 7 USC §608c(L)(A) | 5 | 3 | - | 1 | 1 | - |
| CEA and P&S cease and desist orders, 7 USC §13a, 193, 211 | - | - | - | - | - | - |
| P&S license revocation or suspension and cease and desist orders, 7 USC §204, 205, 213, 218d | 5 | 5 | - | - | - | - |
| P&S rate determinations, 7 USC §207 | - | - | - | - | - | - |
| PACA license denial, 7 USC §499d | 2 | 2 | - | - | - | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §56g, 9 | - | - | - | - | - | - |
| CEA susp. of trading priv., 7 USC §9 | - | - | - | - | - | - |
| PACA lic. susp. or rev., 7 USC §499h | 4 | 4 | - | - | - | - |
| TOTALS | 16 | 14 | - | 1 | 1 | - |
| CIVIL AERONAUTICS BOARD | | | | | | |
| Route licensing, 49 USC §481 | 14 | 6 | 3 | 4 | 1 | - |
| Foreign permits, 49 USC §482 | 22 | 15 | 5 | 1 | 1 | - |
| Adequacy of service, 49 USC §484 | - | - | - | - | - | - |
| Mail rates, 49 USC §486 | - | - | - | - | - | - |

Carrier relations, 49 USC §488, 489
 Agreements, 49 USC §492
 Exemptions, 49 USC §496
 Commercial rates, 49 USC §642
 Econ. enf., 49 USC §425, 495, 641, 642
 Medical review, 49 USC §552
 Safety enforcement, 49 USC §559
 Safety enf. non-bearing, 49 USC §559
 TOTALS

CIVIL SERVICE COMMISSION

Hatch Act violations, 5 USC §118x

FEDERAL COMMUNICATIONS COMMISSION^{2/}

Broadcast radio and television,
 47 USC §309, 312, 316, 325, 405, 406
 Common carrier services,
 47 USC §204, 205, 214, 221, 222
 Safety & spec. services, 47 USC §359
 Field eng. & mon., 47 USC §303(m) (2)
 TOTALS

FEDERAL MARITIME BOARD

Regulatory, 46 USC §1813, 822, 845,
 861, 891, 1101
 Subsidy, 46 USC §1101
 Charter, 5 USC App. §1738
 TOTALS

| | | | | | | | |
|-----|----|----|----|---|----|---|---|
| 8 | 1 | 4 | 4 | 2 | 1 | - | - |
| 6 | 4 | 2 | 2 | - | 1 | - | - |
| - | - | - | - | - | - | - | - |
| 5 | 2 | 1 | 1 | 1 | 1 | - | - |
| 1 | - | - | - | 1 | 1 | - | - |
| 1 | - | - | - | - | 1 | - | - |
| 29 | 12 | 6 | 9 | 9 | 2 | - | - |
| 25 | 11 | 8 | 6 | 6 | - | - | - |
| 111 | 51 | 29 | 24 | 7 | - | - | - |
| | | | | | | | |
| 1 | - | 1 | - | - | - | - | - |
| | | | | | | | |
| 81 | 14 | 37 | 8 | 5 | 17 | - | - |
| | | | | | | | |
| 6 | - | - | 4 | 2 | - | - | - |
| 3 | 1 | 2 | - | - | - | - | - |
| 1 | 1 | - | - | - | - | - | - |
| 10 | 2 | 2 | 4 | 2 | - | - | - |

(Footnotes at end of table)

ANNUAL REPORT OF THE AGENCY - PROCEEDINGS
 1947-1948: FINAL YEAR BY AGENCY FINAL DECISION ON THE
 1947-1948 AFTER AN EXAMINER'S DECISION (Cont 'G.')

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total closed by final decision | Number of proceedings | | | | Under ad- visement over 12 month but not over 1 year |
|---|---|---|--|---------------------------------------|--|---|
| | | Under ad- visement 1 month or less | Over 1 month but not over 3 over 6 | Over 3 months but not over 6 | Over 6 months but not over 12 | |
| FEDERAL POWER COMMISSION | | | | | | |
| NGA §4(c) investig., 15 USC §717c(e) | 8 | - | 1 | 4 | 2 | 1 |
| NGA §4(c), 5(a) new sched. susp. rate | 2 | - | - | 1 | - | 1 |
| determ., 15 USC §717c(e), 717d(a) | - | - | - | - | - | - |
| NGA §5(a) cost and rate | 2 | 1 | - | 1 | - | - |
| determinations, 15 USC §717d(a) | 6 | 1 | 4 | 1 | - | - |
| NGA §7(a) extension of facilities | - | - | - | - | - | - |
| certificates, 15 USC §717f(a) | - | - | - | - | - | - |
| NGA §7(c) construction certificates, 15 USC §717f(c) | - | - | - | - | - | - |
| NGA §7(a), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) | - | - | - | - | - | - |
| NGA §13, 7(c) export and import appl- ications, 15 USC §717b, 717f(c) | - | - | - | - | - | - |
| NGA §17(b), (c) constr. or aband. of serv. certif., 15 USC §717f(b), (c) | - | - | - | - | - | - |
| NGA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 15 USC §797(c) | 2 | - | - | 2 | - | - |
| FPA §4(e), 23(c) land acq. & navig. waters investig., 15 USC §4797a, 817 | - | - | - | - | - | - |

FPA §205 rate determs., 16 USC §824d
 FPA §206 investigate., 16 USC §824e
 FPA rule making, 16 USC §825h
 TOTALS

FEDERAL TRADE COMMISSION

Cease & desist orders, 15 USC §513,
 21,45(b) .52,55(a) 68d,69f,1194

HEALTH, EDUCATION, AND WELFARE DEPT.

FOOD AND DRUG ADMINISTRATION
 Suspension of new drug applications,
 21 USC §355(a)

SOCIAL SECURITY ADMINISTRATION

Appeals from benefits rights
 determinations, 42 USC §405

INTERIOR DEPARTMENT

BUREAU OF LAND MANAGEMENT

Government contests, 43 USC §1201,
 30 USC §613(c) (Supp. V)
 Private contests, 43 USC §1201,
 30 USC §527(c) (Supp. V)
 Placer mining orders, 30 USC §621(b)
 Appeals from Range Managers
 decisions, 43 USC §315h
 FRC enforcement proc., 43 USC §315a
 TOTALS

BUREAU OF INDIAN AFFAIRS

Indian probate, 25 USC §3372,373

| | | | | | | | |
|----------|----------------------|----|---|---|---|----|---|
| 1 | - | - | - | - | - | 1 | - |
| - | - | - | - | - | - | - | - |
| 21 | 2 | 5 | 9 | 3 | 3 | 2 | 2 |
| 53 | 17 | 28 | 7 | 1 | 1 | - | - |
| - | - | - | - | - | - | - | - |
| 3/ (328) | (Data not available) | | | | | | - |
| 13 | - | - | 2 | 5 | 6 | 6 | 6 |
| - | - | - | - | - | - | - | - |
| 13 | 1 | - | 4 | 4 | 4 | 4 | 4 |
| 26 | 1 | - | - | - | - | - | - |
| 11 | - | 2 | 1 | - | 9 | 20 | 8 |

TABLE 4. - LENGTH OF TIME UNDER
CLOSED DURING FISCAL YEAR B
MERITS AFTER AN EXAMIN-

E AGENCY - PROCEEDINGS
- DECISION ON THE
- (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total closed by final decision | Under ad- visement 1 month or less | Number of proceedings | | | | |
|---|---|---|--------------------------------------|---------------------------------------|--|---|--|
| | | | Over 1 month but not over 3 | Over 3 months but not over 6 | Over 6 months but not over 12 | Under ad- visement over 1 year | |
| INTERSTATE COMMERCE COMMISSION | | | | | | | |
| Certifs. of conven. & nec., 49 USC §§1(19), 1(21), 6(11), 305, 909, 1010 | 1,331 | 174 | 399 | 479 | 173 | 106 | |
| Finance and transfer of operating authority, 49 USC §§312, 912, 1010 | 88 | 2 | 18 | 32 | 21 | 15 | |
| Rates, fares, and charges, 49 USC §§6(b), 16(1), 906(e), 908(d), 1005 | 231 | 5 | 46 | 118 | 48 | 14 | |
| Bankruptcy Act reorganizations, 11 USC §205 | - | - | - | - | - | - | |
| Compliance and rules investigations, 49 USC §§305(e), 312, 904(e), 1010(f) | 37 | 4 | 15 | 10 | 8 | - | |
| TOTALS | 1,687 | 185 | 478 | 639 | 250 | 135 | |
| JUSTICE DEPT., OFFICE OF ALIEN PROPERTY Claims, 50 USC App. §59, 32, 34 | 86 | 47 | 15 | 5 | 14 | 5 | |
| LABOR DEPARTMENT | | | | | | | |
| Walsh-Healey Act enforce., 41 USC §39 | 9 | - | 3 | 3 | 3 | - | |
| Determinations as to statutory qual- ification to contract, 41 USC §39 | 4 | - | 2 | 2 | - | - | |
| Davis-Bacon Act minimum wage determinations, 40 USC §276a | - | - | - | - | - | - | |
| TOTALS | 13 | - | 5 | - | - | - | |

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b)1,2,3,5,6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b)(4)(A), (B), (C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b)(4)(D) unfair union pract.) 29 USC §160(b), (k)
 RC cases (pet. for cert. of representation), 29 USC §159(c)(1)(A)(i)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b)
 CA - CD cases, 29 USC §160(b), (k)
 CA - RC cases, 29 USC §160(b), 159(c)(1)(A)(i)
 CA - RD cases (incl. decert. petit.), 29 USC §160(b), 159(c)(1)(A)(i)
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)
 TOTALS

| | | | | | | |
|-----|----|----|---|----|-----|----|
| 111 | - | - | - | 25 | 77 | 9 |
| 24 | - | - | - | 2 | 16 | 6 |
| 26 | - | - | - | 10 | 14 | 2 |
| 2 | - | - | - | - | 1 | 1 |
| - | - | - | - | - | - | - |
| 23 | - | - | - | 2 | 15 | 6 |
| - | - | - | - | - | - | - |
| - | - | - | - | - | - | - |
| 4 | - | - | - | 3 | - | 1 |
| 1 | - | - | - | 1 | - | - |
| 3 | - | - | - | - | 3 | - |
| 2 | - | - | - | 1 | 1 | - |
| 196 | - | - | - | 44 | 127 | 25 |
| 26 | 11 | 9 | 4 | 1 | 1 | 1 |
| 35 | 24 | 11 | - | - | - | - |
| 3 | 2 | 1 | - | - | - | - |
| 13 | 7 | 6 | - | - | - | - |
| 77 | 44 | 27 | 4 | 1 | 1 | 1 |

POST OFFICE DEPARTMENT

Fraud & lottery, 39 USC §3259,732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302,1461
 2nd class applications, 39 USC §232
 TOTALS

TABLE 6 - LENGTH OF TIME UNDER ADVISEMENT BY THE AGENCY - PROCEEDINGS
CLOSED DURING FISCAL YEAR BY AGENCY FINAL DECISION ON THE
MERITS AFTER AN EXAMINER'S DECISION (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | |
|---|---|---|--------------------------------------|---------------------------------------|--|---|
| | Total closed by final decision | Under ad- visement 1 month or less | Over 1 month but not over 3 | Over 3 months but not over 6 | Over 6 months but not over 12 | Under ad- visement over 1 year |
| SECURITIES AND EXCHANGE COMMISSION | | | | | | |
| Stop orders (SA), 15 USC §77h(d) | 5 | - | 1 | 2 | 1 | 1 |
| Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §78o(b), 78o-3 | 17 | - | 4 | 11 | 2 | - |
| Suspension or withdrawal of registra- tion (SEA), 15 USC §78s(a), 78x(b) | - | - | - | - | - | - |
| Approval of sales, acquisitions, ex- ceptions, or reorganization plans (PUBCA), 15 USC §77e, 78i, j, k, r | - | - | - | - | - | - |
| Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 | - | - | - | - | - | - |
| IAA registration, 15 USC §80b-3 | 1 | - | - | 1 | - | - |
| Disbarment (SA, SEA), 15 USC §77s, 77aaa, 78u(a), 79t, 80a-37, 80b-11 | - | - | - | - | - | - |
| TOTALS | 23 | - | 5 | 14 | 3 | 1 |
| SUBVERSIVE ACTIVITIES CONTROL BOARD | | | | | | |
| Communist action, front, infiltrated organizations, 50 USC §792, 792a | 2 | - | - | - | 1 | 1 |

TREASURY DEPARTMENTCOAST GUARD

Suspension or revocation of marine
licenses, 46 USC §§239, 239b

DIRECTOR OF PRACTICE

Disbarment or suspension, 5 USC §261

IRS ALCOHOL AND TOBACCO TAX DIVISION

Permit proceedings, 26 USC §§5304,
5712, 5713, 27 USC §204

GRAND TOTALS - 21 AGENCIES

| | | | | | |
|-----------|-----|-----|-----|-----|-----|
| 76 | - | - | 20 | 48 | 8 |
| - | - | - | - | - | - |
| 24 | 22 | 1 | 1 | - | - |
| <u>2/</u> | | | | | |
| 2,514 | 399 | 635 | 792 | 475 | 213 |

1/ FOC data for Part A are not broken down as to types of proceeding, but are consolidated so that the totals are available.

2/ One SABC case was disposed of by final decision in July 1957, reopened shortly thereafter, and again closed by final decision in December. Only the period under advisement in connection with the first final decision is reported in this table. The matter is counted as 2 cases in Table 3. Also, the 328 Social Security cases for which time data are not available are excluded from this table. Therefore the total number of proceedings for which data are included in this table is 2,514 instead of 2,843, as shown in the fifth column of Table 3.

PART V - PROCEEDINGS PENDING BEFORE HEARING EXAMINERS

TABLE 7 - BACKLOG AND VOLUME DATA FOR THE FISCAL YEARS 1957 AND 1958-1/

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Pending before ex'rs. at beginning of year | | New cases asgd. to examiners during the fiscal yr. | | Old cases remanded or reassgd. during the fiscal yr. | | Disposed of by examiners during the fiscal yr. | | Pending before examiners at end of fiscal yr. | |
|--|--|------|--|------|--|------|--|------|---|------|
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| <u>AGRICULTURE DEPARTMENT</u> | | | | | | | | | | |
| AVA marketing order contests, 7 USC §608c(15) (A) | 2 | 16 | 10 | 8 | - | 1 | 3 | 19 | 9 | 6 |
| CEA and P&S cease and desist orders, 7 USC §13e, 193, 211 | 1 | 3 | 2 | 6 | - | - | - | 4 | 3 | 5 |
| P&S license revocation or suspension and cease and desist orders, 7 USC §204, 205, 213, 218d | 2 | 11 | 24 | 24 | 1 | 1 | 20 | 16 | 7 | 20 |
| P&S rate determinations, 7 USC §207 ^{2/} | - | - | 3 | 1 | 1 | - | - | - | 1 | 1 |
| PACA license denial, 7 USC §499d | - | 1 | 3 | 3 | 1 | - | 4 | 3 | - | 1 |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §36g, 52/ | 3 | 3 | - | 1 | - | - | - | 1 | 1 | 3 |
| CEA susp. of trading priv., 7 USC §9 | 3/4 | 3 | 2 | 2 | - | - | 2 | 1 | 1 | 1 |
| PACA lic. susp. or rev., 7 USC §499h | 3/4 | 3 | 4 | 4 | - | - | 6 | 4 | 2 | 3 |
| TOTALS | 10 | 37 | 45 | 49 | 2 | 2 | 35 | 38 | 22 | 40 |
| <u>CIVIL AERONAUTICS BOARD</u> | | | | | | | | | | |
| Route licensing, 49 USC §481 | 27 | 25 | 29 | 50 | - | - | 31 | 47 | 25 | 28 |
| Foreign permits, 49 USC §482 | 6 | 9 | 28 | 20 | - | - | 25 | 22 | 9 | 7 |
| Adequacy of service, 49 USC §484 | 1 | 2 | 1 | 1 | - | - | - | - | - | - |

Mail rates, 49 USC §486
 Carrier relations, 49 USC §488, 489
 Agreements, 49 USC §492 2/
 Exemptions, 49 USC §496
 Commercial rates, 49 USC §642
 Econ. enf., 49 USC §625, 495, 641, 642
 Medical review, 49 USC §552
 Safety enforcement, 49 USC §556/
 Safety enf. non-bearing, 49 USC §556/
 TOTALS

CIVIL SERVICE COMMISSION
 Hatch Act violations, 5 USC §118k

FEDERAL COMMUNICATIONS COMMISSION
 Broadcast radio and television,
 47 USC §309, 312, 316, 325, 405, 406
 Common carrier services,
 47 USC §204, 205, 214, 221, 222
 Safety & spec. services, 47 USC §359
 Field eng. & mon., 47 USC §303(m) (2)
 TOTALS

FEDERAL MARITIME BOARD
 Regulatory, 46 USC §813, 822, 845,
 861, 891, 1101
 Subsidy, 46 USC §1101
 Charter, 5 USC App. §1738
 TOTALS

(Footnotes at end of table)

| | | | | | | | | | | | | | |
|-----|-----|-----|-----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|
| 2 | 2 | 2 | 3 | - | - | - | - | - | - | 4 | 1 | 1 | 1 |
| 3 | 3 | 5 | 18 | 5 | - | - | - | - | - | 12 | 9 | 9 | 2 |
| - | - | 2 | 1 | - | - | - | - | - | - | - | 2 | 1 | - |
| 3 | 3 | 5 | 10 | 2 | - | - | - | - | - | 7 | 6 | 6 | 2 |
| 4 | 5 | 5 | 12 | 14 | - | - | - | - | - | 9 | 5 | 7 | 10 |
| 12 | 19 | 39 | 34 | 34 | - | - | - | - | - | 32 | 39 | 19 | 31 |
| 199 | 67 | 560 | 202 | 1 | 2 | 534 | 194 | 226 | 77 | 2 | 226 | 226 | 77 |
| 257 | 292 | 661 | 837 | 1 | 24 | 644 | 828 | 295 | 171 | 2 | 490 | 490 | 171 |
| 2 | - | - | - | 3 | - | - | - | - | - | 2 | 1 | - | 2 |
| 82 | 68 | 112 | 120 | 14 | 14 | 2 | 140 | 101 | 68 | 89 | 101 | 68 | 89 |
| 4 | 7 | 10 | 40 | - | - | - | 7 | 31 | 7 | 16 | 31 | 7 | 16 |
| 15 | 12 | 18 | 14 | 1 | 1 | - | 22 | 19 | 12 | 7 | 19 | 12 | 7 |
| 4 | - | 3 | 7 | - | - | - | 7 | 6 | - | 1 | 6 | - | 1 |
| 105 | 87 | 143 | 181 | 15 | 15 | 2 | 176 | 157 | 87 | 113 | 157 | 87 | 113 |
| 21 | 15 | 5 | 16 | - | - | - | 2 | 10 | 15 | 16 | 15 | 16 | 16 |
| 6 | 7 | 4 | 4 | - | - | - | 1 | 3 | 7 | 7 | 7 | 7 | 5 |
| - | - | 10 | 1 | 1 | 1 | - | 1 | 11 | 1 | - | 1 | - | - |
| 27 | 22 | 19 | 21 | 1 | 1 | 3 | 24 | 23 | 23 | 23 | 23 | 23 | 23 |

PART II - PROCEEDINGS PENDING BEFORE HEARING EXAMINERS

TABLE 7 - BACKLOG AND VOLUME DATA FOR THE FISCAL YEARS 1957 AND 1958^{1/} (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Pending before ex'rs. at beginning of year | | New cases asgd. to examiners during the fiscal yr. | | Old cases remanded or reasgd. during the fiscal yr. | | Disposed of by examiners during the fiscal yr. | | Pending before examiners at end of fiscal yr. | |
|---|--|------|--|------|---|------|--|------|---|------|
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| FEDERAL POWER COMMISSION | | | | | | | | | | |
| NRA §4(e) investig., 15 USC §717c(e) | 15 | 15 | 11 | | 4 | 1 | 15 | 6 | 15 | 15 |
| NRA §4(e), 15(a) new schd. susp. & rate determ., 15 USC §717e(e), 717d(a) | 4 | 8 | 10 | | - | - | 4 | 5 | 10 | 3 |
| NRA §5(a) cost and rate determinations, 15 USC §717d(a) | 1 | 3 | 4 | 2 | - | - | 2 | 2 | 3 | 3 |
| NRA §7(a) extension of facilities certificates, 15 USC §717f(a) | 1 | 3 | 8 | 3 | - | - | 6 | 6 | 3 | - |
| NRA §7(c) construction certificates, 15 USC §717f(c) | 13 | 2 | 259 | 19 | 1 | 1 | 268 | 18 | 5 | 4 |
| NRA §7(a), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) 2/ | | - | | 1 | | - | | - | | 1 |
| NRA §83, 7(c) export and import appli- cations, 15 USC §817b, 717f(c) | 1 | 1 | 1 | - | - | - | - | - | 2 | 1 |
| NRA §87(b), (c) constr. or aband. of serv. certifs., 15 USC §8717f(b), (c) | 1 | 2 | 54 | 3 | - | - | 53 | 4 | 2 | 1 |
| NRA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | 1 | - | - | - | 1 | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(e) | 1 | 1 | 2 | 3 | - | 1 | 2 | 3 | 1 | 2 |
| FPA §84(R), 23(b) land occup. & redev. Water# investm., 15 USC §497e, 817 g/ | | - | | 1 | | - | | 3 | | |

FPA \$205 rate determ., 16 USC §824d2/
 FPA \$206 investigations, 16 USC §824e 2/
 FPA rule making, 16 USC §825h 2/
 TOTALS

FEDERAL TRADE COMMISSION

Cease and desist orders, 15 USC §813,
 21,45(b), 52, 55(a), 68d, 69f, 1194

HEALTH, EDUCATION, AND WELFARE DEPT.

FOOD AND DRUG ADMINISTRATION

Suspension of new drug applications,
 21 USC §355(e)

SOCIAL SECURITY ADMINISTRATION

Appeals from benefits rights
 determinations, 42 USC §405

INTERIOR DEPARTMENT

BUREAU OF LAND MANAGEMENT

Government contests, 43 USC §1201,
 30 USC §613(c) (Supp. V)

Private contests, 43 USC §1201,
 30 USC §527(c) (Supp. V)

Placer mining orders, 30 USC §621(b)
 Appeals from Range Managers'
 decisions, 43 USC §315h

FRC enforcement proc., 43 USC §315a

TOTALS

16/

BUREAU OF INDIAN AFFAIRS

Indian probate, 25 USC §4372, 373

| | | | | | | | | | |
|-------|-------|--------|--------|---|-----|-------|--------|-------|--------|
| 37 | 36 | 350 | 37 | 5 | 3 | 351 | 45 | 41 | 31 |
| 181 | 199 | 241 | 361 | 5 | 16 | 231 | 328 | 196 | 248 |
| - | - | 2 | - | - | - | 2 | - | - | - |
| 2,501 | 8,882 | 12,737 | 18,534 | - | 173 | 6,331 | 13,234 | 8,907 | 14,355 |
| 87 | 64 | 144 | 156 | 1 | 2 | 125 | 134 | 107 | 88 |
| 18 | 19 | 20 | 19 | - | - | 19 | 17 | 19 | 21 |
| - | 7 | 9 | 2 | - | - | - | 9 | 9 | - |
| 120 | 103 | 64 | 67 | - | - | 76 | 73 | 108 | 97 |
| - | 2 | 4 | 7 | - | 1 | 3 | 7 | 1 | 3 |
| 225 | 195 | 241 | 251 | 1 | 3 | 223 | 240 | 244 | 209 |
| 16/ | | | | | | | | 16/ | |
| 2,512 | 1,592 | 1,659 | 1,662 | 1 | 5/ | 2,320 | 1,611 | 1,852 | 1,643 |

(Footnotes --)

PART II - PROCEEDINGS PENDING BEFORE HEARING EXAMINERS

TABLE 7 - BACKLOG AND VOLUME DATA FOR THE FISCAL YEARS 1957 AND 1958^{1/} (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Pending before ex'rs. at beginning of year | | New cases asgd. to examiners during the fiscal yr. | | Old cases reopened or reasgd. during the fiscal yr. | | Disposed of by examiners during the fiscal yr. | | Pending before examiners at end of fiscal yr. | |
|--|---|-------|--|-------|---|------|--|-------|---|-------|
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| INTERSTATE COMMERCE COMMISSION | | | | | | | | | | |
| Certifs. of conven. & nes., 49 USC | | | | | | | | | | |
| \$51(19), 1(21), 6(11), 305, 909, 1010 | 1,186 | 926 | 2,740 | 2,901 | - | - | 3,000 | 2,790 | 926 | 1,037 |
| Finance and transfer of operating | | | | | | | | | | |
| authority, 49 USC §§312, 912, 1010 | 173 | 127 | 206 | 365 | - | - | 252 | 369 | 127 | 123 |
| Rates, fares, and charges, 49 USC | | | | | | | | | | |
| §86(6), 16(1), 906(e), 908(d), 1005 | 598 | 515 | 811 | 733 | - | - | 894 | 681 | 515 | 567 |
| Bankruptcy Act reorganizations, | | | | | | | | | | |
| 11 USC §205 | 1 | 2 | 1 | 2 | - | - | - | 1 | 2 | 3 |
| Compliance and rules investigations, | | | | | | | | | | |
| 49 USC §§305(e), 312, 904(e), 1010(±) | 23 | 47 | 78 | 77 | - | - | 54 | 67 | 47 | 57 |
| TOTALS | 1,981 | 1,617 | 3,836 | 4,078 | - | - | 4,200 | 3,908 | 1,617 | 1,787 |
| JUSTICE DEPT., OFFICE OF ALIEN PROPERTY | | | | | | | | | | |
| Claims, 50 USC App. §19, 32, 34 | 107 | 98 | 93 | 45 | - | - | 4 | 102 | 98 | 55 |
| LABOR DEPARTMENT | | | | | | | | | | |
| Walsh-Bealey Act enforce., 41 USC §39 | | | | | | | | | | |
| Determination as to statutory qual- | 14 | 9 | 35 | 36 | - | - | 31 | 36 | 18 | 9 |
| ification to contract, 41 USC §39 2/ | | | | | | | | | | |
| Davis-Bacon Act minimum wage | | 2 | | 1 | - | - | | 3 | | - |
| determinations, 40 USC §276a | | | 1 | - | - | - | 1 | - | | - |
| TOTALS | 14 | 11 | 36 | 37 | - | - | 37 | 39 | 18 | 9 |

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b) 1, 2, 3, 5, 6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b) (4) (A), (B), (C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b) (4) (D) unfair union pract.), 29 USC §160(b), (k)
 RC cases (pet. for cert. of representatives), 29 USC §159(c) (1) (A) (1)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b) 2/
 CA - CD cases, 29 USC §160(b), (k) 2/
 CA - RC cases, 29 USC §160(b), 159(c) (1) (A) (1)
 CA - RD cases (incl. decert. petit.), 29 USC §160(b), 159(c) (1) (A) (1) 2/
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)
 TOTALS

POST OFFICE DEPARTMENT

Grand & lottery, 39 USC §259, 732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302, 1461
 2nd class applications, 39 USC §232
 TOTALS

| | | | | | | | | | |
|-----|-----|-----|-----|---|---|-------|-------|----|-----|
| 24 | 73 | 191 | 207 | 7 | 7 | 179 | 172 | 43 | 115 |
| 81 | 12 | 41 | 49 | - | - | 6/116 | 40 | 6 | 21 |
| 7/ | 15 | 62 | 57 | - | - | 58 | 52 | 4 | 20 |
| 5 | - | 3 | 5 | - | - | 8 | 2 | - | 3 |
| 3 | - | 15 | - | - | - | 18 | - | - | - |
| 7/ | 21 | 55 | 46 | 2 | 1 | 46 | 40 | 11 | 28 |
| 3 | 1 | 4 | 8 | - | - | 6 | 4 | 1 | 5 |
| - | 2 | 7 | 4 | - | - | 6 | 2 | 2 | 2 |
| - | 1 | 1 | 1 | - | - | 8/438 | 318 | 66 | 196 |
| 116 | 126 | 379 | 380 | 9 | 8 | 8/438 | 318 | 66 | 196 |
| 41 | 50 | 166 | 129 | 1 | 5 | 9/166 | 10/46 | 42 | 38 |
| 16 | 18 | 54 | 31 | 1 | 1 | 11/51 | 12/48 | 20 | 2 |
| 3 | 7 | 9 | 8 | - | - | 7 | 14 | 5 | 1 |
| 60 | 75 | 231 | 177 | 2 | 6 | 226 | 217 | 67 | 41 |

TABLE 1. PROCEEDINGS, PENDING BEFORE HEARING EXAMINERS

AND DISPOSITION AND SUMMARY DATA FOR THE FISCAL YEARS 1957 AND 1958 (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Pending before ex'rs. at beginning of year | | New cases asgd. to examiners during the fiscal yr. | | Old cases reopened or reasgd. during the fiscal yr. | | Disposed of by examiners during the fiscal yr. | | Pending before examiners at end of fiscal yr. | |
|---|--|------|--|------|---|------|--|--------|---|------|
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| SECURITY AND EXCHANGE COMMISSION Stop orders (SA), 15 USC §77h(d) Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §878o(b), 78o-3 Suspension or withdrawal of registra- tion (SEA), 15 USC §878a(a), 78x(b) Approval of sales, acquisitions, ex- emptions, or reorganization plans (PUSCA), 15 USC §79e, f, g, i, j, k, r Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 IAA registration, 15 USC §80b-3 Disbarment (SA, SEA), 15 USC §377a, 77ss, 78w(a), 79t, 80e-37, 80b-11 2/ TOTALS | 1 | 5 | 20 | 30 | - | - | 19 | 22 | 2 | 13 |
| | 9 | 22 | 53 | 57 | - | - | 56 | 57 | 6 | 22 |
| | - | 5 | 7 | 3 | - | - | 1 | 6 | 6 | 2 |
| | 1 | - | 12 | 11 | - | - | 10 | 11 | 3 | - |
| | - | 1 | 2 | 8 | - | - | 2 | 5 | - | 4 |
| | 1 | 2 | 2 | 3 | - | - | 2 | 3 | 1 | 2 |
| | 12 | 37 | 96 | 113 | - | - | 13/90 | 14/106 | 18 | 44 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| SUBVERSIVE ACTIVITIES CONTROL BOARD Communist action, front, infiltrated organizations, 50 USC §592, 792a-5 | 4 | 7 | 5 | 1 | - | - | 3 | 4 | 6 | 1 |
| | | | | | | | | | | |

TREASURY DEPARTMENT
COAST GUARD

Suspension or revocation of marine
licenses, 46 USC §§239, 239b

DIRECTOR OF PRACTICE

Disbarment or suspension, 5 USC §261

IRS ALCOHOL AND TOBACCO TAX DIVISION
Permit proceedings, 26 USC §§5304,
5712, 5713, 27 USC §204

GRAND TOTALS - 21 AGENCIES

| | | | | | | | | | |
|-------|--------|--------|--------|----|-----|--------|--------|--------|--------|
| 122 | 108 | 1,353 | 1,516 | 3 | 1 | 1,370 | 2,494 | 108 | 131 |
| 2 | - | 2 | - | 1 | - | 4 | - | 1 | - |
| 12 | 17 | 49 | 36 | 1 | 1 | 45 | 64 | 17 | 10 |
| 16 | | | | | | | 16 | | |
| 8,287 | 13,438 | 22,198 | 28,319 | 47 | 247 | 16,849 | 22,736 | 13,683 | 19,268 |

1/ Table 7 corresponds to Table 1 of the 1957 Annual Report of this Office. The figures in the columns marked "1957" are taken from last year's Table 1, and the columns marked "1958" report corresponding new data for the fiscal year 1958.

2/ Type of proceeding added to those listed last year.

3/ Substituted for "CEA and PACA license revocation or suspension, 7 U.S.C. 69, 499h" in the 1957 report.

4/ All CAB safety enforcement proceedings, hearing and non-hearing, were combined in a single set of figures in the 1957 report.

5/ Disregarded in over-all computation because these cases are also reported as new cases pending at the beginning of the year.

6/ Includes 76 cases "disposed of" by consolidation.

7/ The figure given under "New cases" includes cases pending at the beginning of the year. It is not known how many of these cases were assigned to examiners before July 1, 1956.

8/ Includes 81 cases "disposed of" by consolidation.

9/ Includes 20 default cases and 125 cases disposed of by agreements to discontinue.

10/ Includes 15 default cases and 88 agreements to discontinue.

11/ Includes 17 default cases and 7 agreements to discontinue.

12/ Includes 6 default cases and 3 agreements to discontinue.

13/ In 66 of these cases the examiner's decision was waived.

14/ In 88 of these cases the examiner's decision was waived.

15/ Includes presided.

(Footnotes continued on next page)

Footnotes to Table 7 (Cont.)

- 16/ It was expected that the number of cases pending before examiners at the end of the fiscal year 1957, as shown in last year's report and repeated in the last column of this table under the subheading "1957" would be the same as the number reported pending at the beginning of fiscal 1958 (first column, under the subheading "1958"). However, there are discrepancies in many instances. The greatest difference in reported figures was in Indian probate cases before the Interior Department. There, 260 "pony" claims which had been dormant for some time were counted as pending cases in 1957, but were dropped from the report in 1958. Other differences are due to changes on the part of the reporting agencies in their respective decisions as to what matters should be counted as "proceedings" within our definition of the term (Agriculture Department), or to the technique of counting backward from the time the report was rendered to the beginning of the fiscal year (NLRB). In addition, different totals are attributable to division and consolidation of cases (Interior) or removal from pending docket for return to processing.

TABLE 8 - LENGTH OF TIME PROCEEDINGS HAD BEEN PENDING BEFORE EXAMINERS - PROCEEDINGS PENDING BEFORE EXAMINERS AT THE END OF THE FISCAL YEARS 1957 AND 1958 1/

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | | | | | |
|---|--|------|--|------|---------------------------------------|------|--|------|---------------------------------------|------|
| | Total pend- ing before ex mrs. at end of year | | Before examiners 3 months or less | | Over 3 months but not over 6 | | Over 6 months but not over 12 | | Before examiners over 1 year | |
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| AGRICULTURE DEPARTMENT | | | | | | | | | | |
| AMA marketing order contests, 7 USC §608c(15) (A) | 9 | 6 | 5 | - | 3 | 1 | - | 5 | 1 | - |
| CEA and P&S cease and desist orders, 7 USC §613a, 193, 211 | 3 | 5 | 1 | 1 | - | 1 | 1 | 1 | - | 2 |
| P&S license revocation or suspension and cease and desist orders, 7 USC §204, 205, 213, 218d | 7 | 20 | 4 | 8 | 2 | 5 | 1 | 5 | - | 2 |
| PACA license denials, 7 USC §499d | - | 1 | - | 1 | - | - | - | - | - | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §50g, 9 2/ | 3 | 3 | - | 1 | - | - | - | - | - | - |
| CEA susp. of trading priv., 7 USC §9 | 1 | 1 | - | 1 | - | - | - | - | 1 | 2 |
| PACA lic. susp. or rev., 7 USC §499h 3/ | 2 | 3 | 1 | 1 | 1 | 1 | - | - | - | - |
| TOTALS | 22 | 40 | 11 | 14 | 6 | 8 | 2 | 12 | 3 | 6 |
| CIVIL AERONAUTICS BOARD | | | | | | | | | | |
| Route licensing, 49 USC §481 | 15 | 18 | - | 5 | 3 | 6 | 5 | 2 | 2 | 3 |
| Foreign permits, 49 USC §482 | 9 | 7 | 6 | 4 | 1 | - | - | 1 | 2 | 1 |
| Adequacy of service, 49 USC §484 | 2 | 2 | - | - | 1 | 1 | - | - | 1 | 1 |

TABLE 8 - LENGTH OF TIME PROCEEDINGS HAD BEEN PENDING BEFORE EXAMINERS - PROCEEDINGS PENDING BEFORE EXAMINERS AT THE END OF THE FISCAL YEARS 1957 AND 1958 1/ (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | | | | | |
|---|----------------------------------|------|-----------------------------------|------|------------------------------|------|-------------------------------|------|------------------------------|------|
| | Total pending before end of year | | Before examiners 3 months or less | | Over 3 months but not over 6 | | Over 6 months but not over 12 | | Before examiners over 1 year | |
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| FEDERAL POWER COMMISSION | | | | | | | | | | |
| NGA §4(c) investig., 15 USC §717c(e) | 15 | 15 | 7 | | 6 | 1 | 1 | - | 6 | 9 |
| NGA §4(e), 5(a) new schd. susp. & rate determ., 15 USC §4717c(e), 717d(a) | 10 | 3 | 4 | | - | 1 | 4 | 1 | 1 | 2 |
| NGA §5(a) cost and rate determinations, 15 USC §717d(a) | 3 | 3 | 1 | | 1 | 1 | - | - | 2 | 1 |
| NGA §7(a) extension of facilities certificates, 15 USC §717f(a) | 3 | - | 3 | | - | - | - | - | - | - |
| NGA §7(c) construction certificates, 15 USC §717f(c) | 5 | 4 | 1 | | 4 | - | - | - | 4 | - |
| NGA §8(a), (c) ext. of fac. & constr. certif., 15 USC §817f(a), 717f(c) 2/ | | 1 | | | - | - | - | 1 | - | - |
| NGA §13, 7(c) export and import applications, 15 USC §817b, 717f(c) | 2 | 1 | 1 | | - | - | - | - | 1 | 1 |
| NGA §87(b), (c) constr. or aband. of serv. certif., 15 USC §8717f(b), (e) | 2 | 1 | 1 | | 1 | - | 1 | - | - | - |
| NGA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | - | | - | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(e) | 1 | 2 | - | | 2 | - | - | - | 1 | - |
| FPA §4(g), 23(b) land occup. & navig. waters investig., 15 USC §1797g, 817 2/ | | 1 | - | | - | - | - | - | 1 | - |
| FPA §205 rate determ., 16 USC §824d 2/ | | - | - | | - | - | - | - | - | - |

FPA §206 investigations, 16 USC §824e2/
FPA rule making, 16 USC §825h 2/
TOTALS

FEDERAL TRADE COMMISSION

Cease & desist orders, 15 USC §813,
21,45(b),52,55(a),68d,69f,1194

HEALTH, EDUCATION, AND WELFARE DEPT.
FOOD AND DRUG ADMINISTRATION

Suspension of new drug applications,
21 USC §355(e)

SOCIAL SECURITY ADMINISTRATION
Appeals from benefits rights
determinations, 42 USC §405

INTERIOR DEPARTMENT

BUREAU OF LAND MANAGEMENT

Government contests, 43 USC §1201,
30 USC §613(c) (supp. V)

Private contests, 43 USC §1201,
30 USC §527(c) (supp. V)

Placer mining orders, 30 USC §621(b)

Appeals from Range Managers'

decisions, 43 USC §315h

FBC enforcement proc., 43 USC §315a

TOTALS

6/ 11/

BUREAU OF INDIAN AFFAIRS

Indian probate, 25 USC §5372, 373

(Footnotes on page 2)

| | | | | | | | | | | | |
|-------|--------|----------------------|----|----|----|----|----|----|----|---|---|
| 41 | 31 | 18 | 14 | 2 | 1 | 6 | 3 | 15 | 13 | - | - |
| 196 | 248 | 56 | 81 | 28 | 55 | 46 | 31 | 66 | 61 | - | - |
| - | - | - | - | - | - | - | - | - | - | - | - |
| 11/ | 11/ | (Data not available) | 5/ | | | | | | | | |
| 8,902 | 14,335 | (Data not available) | 5/ | | | | | | | | |
| 107 | 88 | 27 | 49 | 30 | 25 | 42 | 7 | 8 | 7 | | |
| 19 | 21 | 5 | 8 | 2 | 3 | 12 | 6 | - | 4 | | |
| 9 | - | 1 | - | 8 | - | - | - | - | - | | |
| 108 | 97 | 36 | 33 | 13 | 5 | 5 | 10 | 56 | 49 | | |
| 1 | 3 | 1 | 2 | - | 1 | - | - | - | - | | |
| 244 | 209 | 68 | 92 | 53 | 34 | 59 | 23 | 64 | 60 | | |
| 6/ | 11/ | | | | | | | | | | |
| 1,852 | 1,643 | (Data not available) | | | | | | | | | |

TABLE 8 - LENGTH OF TIME PROCEEDINGS HAD BEEN PENDING BEFORE EXAMINERS - PROCEEDINGS PENDING BEFORE EXAMINERS AT THE END OF THE FISCAL YEARS 1957 AND 1958 1/ (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total pending before examiners, at end of year | Number of proceedings | | | | | | Before examiners over 1 year |
|--|--|-----------------------------------|------------------------------|-------------------------------|------------------------------------|------------------------------|-----|------------------------------|
| | | Before examiners 3 months or less | Over 3 months but not over 6 | Over 6 months but not over 12 | Over 12 months but not over 1 year | Before examiners over 1 year | | |
| | | | | | | | | |
| INTERSTATE COMMERCE COMMISSION | | | | | | | | |
| Certifics. of conven. & nec., 49 USC §51(19), 1(21), 6(11), 305, 909, 1010 | 926 | 1,037 | 487 | 746 | 260 | 147 | 179 | 123 |
| Finance and transfer of operating authority, 49 USC §312, 912, 1010 | 127 | 123 | 32 | 11 | 91 | 37 | 4 | 56 |
| Rates, fares, and charges, 49 USC §56(6), 16(1), 906(e), 908(d), 1005 | 515 | 567 | 207 | 414 | 128 | 93 | 180 | 46 |
| Bankruptcy Act reorganizations, 11 USC §205 | 2 | 3 | 1 | - | - | - | - | - |
| Compliance and rules investigations, 49 USC §305(e), 312, 906(e), 1010(f) | 47 | 57 | 20 | 12 | 18 | 37 | 9 | 7 |
| TOTALS | 1,617 | 1,787 | 747 | 1,183 | 497 | 314 | 372 | 234 |
| JUSTICE DEPT., OFFICE OF ALIEN PROPERTY CLAIMS, 50 USC App. §59, 32, 34 7/ | 98 | 58 | 16 | 13 | 16 | 6 | 37 | 17 |
| LABOR DEPARTMENT | | | | | | | | |
| Welsh-Reailey Act enforce., 41 USC §39 | 18 | 9 | 8 | 6 | 4 | 1 | 4 | - |
| Determinations as to statutory qualification to contract, 41 USC §392/ | - | - | - | - | - | - | - | - |
| Davis-Bacon Act minimum wage determinations, 40 USC §276a | - | - | - | - | - | - | - | - |
| TOTALS | 18 | 9 | 8 | 6 | 4 | 1 | 4 | - |

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b) 1, 2, 3, 5, 6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b) (4) (A), (B), (C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b) (4) (D) unfair union pract.), 29 USC §160(b), (k)
 RC cases (pet. for cert. of representatives), 29 USC §159(c) (1) (A) (1)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b)
 CA - CD cases, 29 USC §160(b), (k) 2/
 CA - RC cases, 29 USC §160(b), 159(c) (1) (A) (1)
 CA - RD cases (incl. decert. petit.), 29 USC §160(b), 159(c) (1) (A) (1) 2/
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k) 2/
 TOTALS

| | | | | | | | | | |
|----|-----|----|-----|----|----|---|---|---|---|
| 43 | 115 | 34 | 98 | 7 | 12 | 1 | 4 | 1 | 1 |
| 6 | 21 | 6 | 19 | - | 2 | - | - | - | - |
| 4 | 20 | 4 | 19 | - | 1 | - | - | - | - |
| - | 3 | - | 2 | - | 1 | - | - | - | - |
| - | - | - | - | - | - | - | - | - | - |
| 11 | 28 | 9 | 22 | 1 | 2 | 1 | 3 | - | 1 |
| - | 1 | 1 | 1 | - | - | - | - | - | - |
| 1 | 5 | 1 | 4 | - | 1 | - | - | - | - |
| 1 | 2 | 1 | 2 | - | - | - | - | - | - |
| 66 | 196 | 55 | 168 | 8 | 19 | 2 | 7 | 1 | 2 |
| 42 | 38 | 25 | 28 | 7 | 3 | 6 | 3 | 4 | 4 |
| 20 | 2 | 14 | 1 | 3 | 1 | - | - | 3 | - |
| - | - | - | - | - | - | - | - | - | - |
| 5 | 1 | 2 | 1 | - | - | 2 | - | 1 | - |
| 67 | 41 | 41 | 30 | 10 | 4 | 8 | 3 | 8 | 4 |

POST OFFICE DEPARTMENT

Fraud & lottery, 39 USC §259-732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302, 1461
 2nd class applications, 39 USC §232
 TOTALS

U. S. P. OFFICE

TABLE 8 - LENGTH OF TIME PROCEEDINGS HAD BEEN PENDING BEFORE EXAMINERS - PROCEEDINGS PENDING BEFORE EXAMINERS AT THE END OF THE FISCAL YEARS 1957 AND 1958 1/ (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | | |
|---|---|------------------------------------|----------------------------------|-----------------------------------|---------------------------------|---------------------------------|---------------------------------|
| | Total pending before examiners at end of year | Before examiners 3 months or less | Over 3 months but not over 6 | Over 6 months but not over 12 | Before examiners over 1 year | | |
| | 1957 | 1957 | 1957 | 1957 | 1957 | 1958 | 1958 |
| SECURITIES AND EXCHANGE COMMISSION Stop orders (SA), 15 USC §77h(d) Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §78o(b), 78o-3 Suspension or withdrawal of registration (SEA), 15 USC §78s(a), 78s(b) Approval of sales, acquisitions, exemptions, or reorganization plans (PUNCA), 15 USC §79e, f, g, i, j, k, r Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 IAA registration, 15 USC §80b-3 Disbarment (SA, SEA), 15 USC §577a, 77ass, 78w(a), 79c, 80a-37, 80b-11, 2/ TOTALS | 2 6 6 3 - 1 18 | 13 22 2 - 4 1 44 | 2 5 4 - 2 - 13 | 9 22 - - - 3 34 | - 1 2 - - - 3 | 1 - - - - - 2 | 1 - - - - - 4 |
| SUBVERSIVE ACTIVITIES CONTROL BOARD Communist action, front, infiltrated organizations, 50 USC §1792, 792a | 6 | 3 | 4 | 1 | 1 | - | 9/ 2 |
| TREASURY DEPARTMENT COAST GUARD Suspension or revocation of marine licenses, 46 USC §1239, 239b | 108 | 131 | 36 | 49 | 17 | 17 | 40 44 |

IRS ALCOHOL AND TOBACCO TAX DIVISION
 Permit proceedings, 26 USC §5304,
 5712, 5713, 27 USC §204

| GRAND TOTALS - 21 AGENCIES 11/ | | | | | | | | | | |
|--------------------------------|-------|-------|-------|-----|-----|-----|-----|-----|-----|-----|
| 11/ | 17 | 10 | 9 | 3 | 3 | 4 | 3 | 1 | 2 | 10/ |
| 2,924 | 3,270 | 1,262 | 1,902 | 738 | 566 | 636 | 467 | 288 | 335 | 2 |

1/ Table 8 corresponds to Table III in the 1957 Annual Report of this Office. The figures in the columns marked "1957" are taken from last year's Table III, and the columns marked "1958" report corresponding new data for the fiscal year 1958.

2/ Type of proceeding added to those listed last year.

3/ Substituted for "CRA and PACA license revocation or suspension, 7 U.S.C. 69, 498a" in the 1957 report.

4/ Except for medical review and other safety enforcement proceedings, CAB figures for 1958 reflect the time from prehearing conference, or if there was no prehearing conference, the time from opening of the hearing, instead of the longer period of time from assignment to an examiner. This is because the dates when proceedings were assigned to examiners are not available except in safety enforcement proceedings, where assignment to an examiner is made at the time the proceeding is commenced. We are advised that the period from assignment to an examiner to pre-hearing conference or hearing is generally brief. In the 1957 figures, non-hearing safety enforcement proceedings are included in the figures for hearing cases. Hearing and non-hearing cases are separated in the 1958 figures.

5/ Of the 8,907 Social Security cases pending before examiners on June 30, 1957, 2,558 had been before examiners more than 60 days after receipt of the claims files. The SSA estimates that these cases had been assigned to examiners an average of 5 or 6 months prior to the end of the year. At the end of fiscal year 1958, 5,060 of the 14,355 cases assigned to examiners had been in examiners' hands more than 60 days after receipt of the claims files. The SSA estimates that these cases averaged six or seven months after assignment to an examiner.

(Footnotes continued on next page)

Footnotes for Table 8 - Continued.

- 6/ Includes 260 "pony" claims which are considered dormant and which were dropped from the figures for fiscal 1958.
- 7/ For the 1957 report the Office of Alien Property reported two types of proceedings, "Claims on merits" and "Motions to dismiss." Data are consolidated in this report.
- 8/ Ordinarily NLRB cases are not assigned to specific examiners until within a week before hearing. Figures appearing in the column headed "Pending before examiners 3 months or less - 1958" include a large number of cases which were awaiting assignment to examiners but on June 30, 1958 were not yet assigned, pending completion of examiners' itineraries. Both of these SACB cases were necessarily suspended for the last 8 months of calendar year 1956 and for the entire calendar year 1958 during required reconsideration of the Communist Party case under successive court remands.
- 9/ Hearings postponed pending disposition of related criminal cases.
- 10/ The last column of Table 7 reports 13,683 proceedings pending before examiners at the end of fiscal 1957 and 19,268 at the end of 1958. Table 8 contains data on only 2,924 proceedings pending at the end of 1957 and 3,270 at the end of 1958. The differences result from the unavailability of such data for Social Security and Indian probate cases.

145. - MANNER OF DISPOSITION BY EXAMINERS - PROCEEDINGS DISPOSED
OF BY EXAMINERS DURING THE FISCAL YEARS 1957 AND 1958 1/

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total disposed of by ex'rs. during the year | | Decision on merits after evident- lary hearing | | Dismiss. or with- drawal without decision on merits | | Certified to agency upon waiver of ex'rs. decision | | Default, settle- ment, compro- mise or | | Other examiner dispos- ition | |
|---|--|------------|---|------------|--|------------|---|------|--|------|---------------------------------------|------|
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| AGRICULTURE DEPARTMENT | | | | | | | | | | | | |
| AMA marketing order contests, 7 USC §608c(15) (A) | 3 | 19 | 1 | 9 | 2 | 10 | - | - | - | - | - | - |
| CEA and P&S cease and desist orders, 7 USC §613a, 193, 211 | - | 4 | - | 2 | - | 1 | - | 1 | - | - | - | - |
| P&S license revocation or suspension and cease and desist orders, 7 USC §204, 205, 213, 218d | 20 | 16 | 4 | 3 | 4 | 2 | 4 | 9 | - | 2 | 8 | - |
| P&S rate determinations, 7 USC §2072/ PACA license denial, 7 USC §499d | 4 | 3 | 3 | 3 | - | - | - | - | - | - | 1 | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §86g, 9 2/ CEA susp. of trading priv., 7 USC §9 PACA lic. susp. or rev., 7 USC §499h | 3/ 2 6 4 | 1 1 4 4 | 1 1 4 4 | 1 1 2 2 | 1 1 - 1 | - 1 - 1 | - - | - - | - - | 1 1 | - 2 | - - |
| TOTALS | 35 | 48 | 13 | 20 | 7 | 14 | 4 | 10 | - | 4 | 11 | - |
| CIVIL AERONAUTICS BOARD | | | | | | | | | | | | |
| Route licensing, 49 USC §481 | 31 | 47 | 31 | 18 | - | 12 | - | - | - | 2 | 5/ | 15 |
| Foreign permits, 49 USC §482 | 15 | 22 | 15 | 20 | - | 2 | - | - | - | - | - | - |
| Adequacy of service, 49 USC §484 | - | 1 | - | 1 | - | - | - | - | - | - | - | - |
| Mail rates, 49 USC §486 | 4 | 1 | 2 | 1 | - | - | - | - | - | - | 2 | 5/ |

Carrier relations, 49 USC §488,489
 Agreements, 49 USC §492 2/
 Exemptions, 49 USC §496
 Commercial rates, 49 USC §642
 Econ. enf., 49 USC §625,495,641,642
 Medical review, 49 USC §552
 Safety enforcement, 49 USC §559 4/
 Safety enf. non-hearing, 49 USC §559
 TOTALS

| | | | | | | | | | | | | | |
|-----|-----|-----|-----|----|----|---|---|---|---|---|----|---|----|
| 12 | 9 | 11 | 8 | 1 | - | - | - | - | - | - | 1 | - | 1 |
| - | 8 | - | 7 | - | - | - | - | - | - | - | - | - | 6/ |
| 7 | 2 | 6 | 5 | 1 | - | - | - | - | - | - | - | - | 1 |
| 9 | 9 | 5 | 6 | 4 | - | - | - | - | - | - | 3 | - | 6/ |
| 32 | 39 | 28 | 33 | 3 | - | - | - | - | - | - | 5 | - | 1 |
| 534 | 194 | 514 | 177 | 19 | 17 | 1 | - | - | - | - | - | - | - |
| 4/ | 690 | - | 469 | - | 21 | - | - | - | - | - | - | - | - |
| 644 | 828 | 612 | 746 | 28 | 52 | 2 | 1 | - | - | - | 11 | 2 | 18 |

CIVIL SERVICE COMMISSION

Hatch Act violations, 5 USC §118k

FEDERAL COMMUNICATIONS COMMISSION

Broadcast radio and television,
 47 USC §309,312,316,325,405,406
 Common carrier services,
 47 USC §204,205,214,221,222
 Safety & spec. services, 47 USC §359
 Field eng. & non., 47 USC §303(m) (2)
 TOTALS

| | | | | | | | | | | | | | |
|-----|-----|-----|----|----|----|----|---|---|---|---|---|----|---|
| 2 | 1 | 1 | 1 | - | - | - | - | - | - | - | - | 1 | - |
| 140 | 101 | 85 | 78 | 36 | 23 | 11 | - | - | - | - | - | 10 | - |
| 7 | 31 | 16 | 7 | 5 | 11 | - | 1 | - | - | - | - | 1 | - |
| 22 | 19 | 4 | 5 | 1 | 26 | - | - | - | - | - | - | 2 | - |
| 7 | 6 | 5 | 5 | - | 1 | - | - | - | - | - | - | 2 | - |
| 176 | 157 | 110 | 95 | 40 | 61 | 11 | 1 | - | - | - | - | 15 | - |

FEDERAL MARITIME BOARD

Regulatory, 46 USC §813,822,845,
 861,891,1101
 Subsidy, 46 USC §1101
 Charter, 5 USC App. §1738
 TOTALS

| | | | | | | | | | | | | | |
|----|----|----|----|---|---|---|---|---|---|---|---|---|---|
| 10 | 15 | 9 | 8 | 1 | 2 | - | - | - | - | - | 5 | - | - |
| 3 | 7 | 3 | 5 | - | 2 | - | - | - | - | - | - | - | - |
| 11 | 1 | 10 | 1 | 1 | - | - | - | - | - | - | - | - | - |
| 24 | 23 | 22 | 14 | 2 | 4 | - | - | - | - | - | 5 | - | - |

(Footnotes at en' .

OFFICE OF THE SECRETARY OF DEFENSE
REPORT OF THE SECRETARY OF DEFENSE
OF BY EXAMINERS DURING THE FISCAL YEARS 1957 AND 1958 1/ (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total disposed of by ex'mrs. during the year | | Decision on merits after evident- lary hearing | | Dismiss. or with- drawal without decision on merits | | Certified to agency upon univer- sity decision | | Default, settle- ment, compro- mise or consent | | Other examiner disposi- tion | |
|--|---|------|---|------|--|------|--|------|---|------|---------------------------------------|------|
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| FEDERAL POWER COMMISSION | 15 | 6 | 14 | 5 | - | - | - | - | 1 | - | 2/ | 1 |
| NGA §4(e) invest'g., 15 USC §717c(a) | | | | | | | | | | | | |
| NGA §4(c), 5(a) new schd. susp-erate | | | | | | | | | | | | |
| determ., 15 USC §717c(e), 717d(a) | 4 | 5 | 3 | 5 | - | - | - | - | 1 | - | - | - |
| NGA §5(a) cost and rate | | | | | | | | | | | | |
| determinations, 15 USC §717d(a) | 2 | 2 | 2 | - | - | - | - | - | - | - | 2/ | 2 |
| certificates, 15 USC §717f(a) | | | | | | | | | | | | |
| NGA §7(e) construction certificates, | 6 | 6 | 3 | 5 | - | - | 3 | - | - | - | 2/ | 1 |
| 15 USC §717f(c) | | | | | | | | | | | | |
| NGA §7(a), (c) ext. of fac. & constr. | 268 | 18 | 9 | 15 | - | - | 259 | - | - | - | - | 3 |
| certifs., 15 USC §717f(a), 717f(c) 2/ | | | | | | | | | | | | |
| NGA §3, 7(c) export and import appl- | | | | | | | | | | | | |
| ications, 15 USC §717b, 717f(c) | | | | | | | | | | | | |
| NGA §7(b), (c) constr. or aband. of | | | | | | | | | | | | |
| serv. certifs., 15 USC §717f(b), (c) | | | | | | | | | | | | |
| NGA §7 certificates other than §7(c) | 53 | 4 | 1 | 4 | - | - | - | - | 52 | - | - | - |
| certificates, 15 USC §717f(e) | | | | | | | | | | | | |
| FPA §4(e) water power construction | 1 | - | - | - | - | - | - | - | 1 | - | - | - |
| licenses, 16 USC §797(a) | | | | | | | | | | | | |
| FPA §4(g), 23(b) land occup. & navig. | 2 | 3 | - | 2 | - | - | 2 | - | - | - | - | 1 |
| waters invest'g., 15 USC §797g, 812 | | | | | | | | | | | | |
| FPA §205 rate determ., 16 USC §824d, 2/ | | | | | | | | | | | | |

NATIONAL LABOR RELATIONS BOARD

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b) 1, 2, 3, 5, 6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b) (4) (A), (B), (C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b) (4) (D) unfair union pract.), 29 USC §160(b), (k)
 RC cases (pet. for cert. of representation), 29 USC §159(c) (1) (A) (1)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b) 2/
 CA - CD cases, 29 USC §160(b), (k) 2/
 CA - RC cases, 29 USC §160(b), 159(c) (1) (A) (1)
 CA - RD cases (incl. decert. petit.), 29 USC §160(b), 159(c) (1) (A) (1) 2/
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)
 TOTALS

POST OFFICE DEPARTMENT

Fraud & lottery, 39 USC §259, 732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1302, 1461
 2nd class applications, 39 USC §232
 TOTALS

| | | | | | | | | | |
|-----|-----|-----|-----|----|----|---|---|---|------------------|
| 179 | 172 | 148 | 157 | 29 | 2 | - | - | - | 10/ 10/ 13/ 2 13 |
| 116 | 40 | 33 | 36 | 7 | 1 | - | - | - | 10/ 10/ 76 3 |
| 58 | 52 | 41 | 50 | 16 | - | - | - | - | 10/ 1 2 |
| 8 | 2 | 8 | 2 | - | - | - | - | - | - |
| 18 | - | 28 | - | - | - | - | - | - | 10/ 10/ 1 7 |
| 46 | 40 | 31 | 33 | 14 | - | - | - | - | 10/ 1 10/ 1 |
| 2 | 2 | 1 | 1 | - | - | - | - | - | 10/ 1 |
| 6 | 4 | 5 | 3 | 1 | - | - | - | - | 10/ 1 |
| 6 | 3 | 3 | 3 | 2 | - | - | - | - | 10/ 1 |
| 1 | 1 | 1 | 1 | - | - | - | - | - | 10/ 1 |
| 438 | 318 | 283 | 288 | 69 | 3 | - | - | - | 81 27 |
| 166 | 146 | 16 | 37 | 5 | 6 | - | - | - | 145 103 |
| 51 | 48 | 25 | 36 | 2 | 3 | - | - | - | 24 9 |
| 2 | 9 | 2 | 3 | 3 | 5 | - | - | - | 1 1 |
| 7 | 14 | 5 | 13 | 2 | 1 | - | - | - | - |
| 226 | 217 | 48 | 89 | 9 | 15 | - | - | - | 169 113 |

(Footnotes at end of table)

TABLE 9 - MANNER OF DISPOSITION BY EXAMINERS - PROCEEDINGS DISPOSED OF BY EXAMINERS DURING THE FISCAL YEARS 1957 AND 1958 1/ (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total disposed of by ex'mrs. during the year | | Decision on merits after evident- fary hearing | | Dismiss or with- drawal without decision | | Certified to agency upon waiver of ex'mr. decision | | Default, settle- ment, compro- mise or consent | | Other ex'mr. dispos- ition | |
|---|---|------|---|------|--|------|---|------|---|------|-------------------------------------|------|
| | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| SECURITIES AND EXCHANGE COMMISSION | | | | | | | | | | | | |
| Stop orders (SA), 15 USC §77h(d) | 19 | 22 | 10 | 4 | - | - | 9 | 18 | - | - | - | - |
| Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §80a(b), 780-3 | 56 | 57 | 13 | 12 | - | - | 43 | 45 | - | - | - | - |
| Suspension or withdrawal of registra- tion (SEA), 15 USC §80a(b), 780-3 | 1 | 6 | - | - | - | - | 1 | 6 | - | - | - | - |
| Approval of sales, acquisitions, ex- ceptions, or reorganization plans (PUHCA), 15 USC §79e, f, g, i, j, k, r | 10 | 11 | - | - | - | - | 10 | 11 | - | - | - | - |
| Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 | 2 | 5 | 1 | - | - | - | 1 | 5 | - | - | - | - |
| IAA registration, 15 USC §80b-3 | 2 | 3 | - | 1 | - | - | 2 | 2 | - | - | - | - |
| Disbarment (SA, SEA), 15 USC §77s, 77ss, 78w(a), 79t, 80a-37, 80b-11 2/ | 2 | 2 | 1 | - | - | - | 1 | - | - | - | - | - |
| TOTALS | 90 | 106 | 24 | 18 | - | - | 66 | 88 | - | - | - | - |
| SUBVERSIVE ACTIVITIES CONTROL BOARD | | | | | | | | | | | | |
| Communist action, front, infiltrated organizations, 50 USC §8792, 792a | 3 | 6 | 3 | 4 | - | 2 | - | - | - | - | - | - |

DIRECTOR OF PRACTICE

Disbarment or suspension, 5 USC §261

IRS ALCOHOL AND TOBACCO TAX DIVISION

Permit proceedings, 26 USC 8453D4,

5712, 5713, 27 USC §204

| | | | | | | | |
|---------------------------|------|--------|--------|-------|-----|-----|-----|
| GRAND TOTAL - 21 AGENCIES | 1957 | 16,849 | 13,283 | 2,712 | 410 | 331 | 113 |
| | 1958 | 22,736 | 16,278 | 5,218 | 725 | 454 | 61 |

1/ Table 9 corresponds to Table II in the 1957 report, and figures under the subheading, "1957," are taken from that table. The first column, under "1957," presents the totals of the figures reported in all columns of last year's Table II. The second column is the same as the first column of Table II except that proceedings identifiable as uncontested proceedings have been removed to the column entitled "Default, settlement, compromise or consent," a new column which did not appear in Table II. The third column, combining the next 4 columns of Table II, reports all dismissals and withdrawals, before and after hearing. The fourth column presents a combination of the figures reported last year under "Removal from examiner for Agency Action," plus those cases reported in last year's table in the column entitled "Other" which by footnote were shown to have been disposed of by waiver of examiner's decision. The 5th column has no counterpart in last year's Table II. The figures appearing therein are the cases reported last year by footnote as uncontested cases or as having been disposed of by default, settlement, compromise or consent. In some instances cases so disposed of may have been reported by the agencies as "other" disposition without any footnote, and therefore are reported again in the last column rather than in the fifth column of this table. The last column contains the figures from the last column of Table II less those cases removed to the fourth and fifth columns as described above because of footnotes to last year's Table II. Corresponding new data for fiscal 1958 are reported in all columns under the heading, "1958."

2/ Type of proceeding added to those listed last year.

(Footnotes continued on next page)

Footnotes for Table 9 Cont'd.

-
- 3/ Substituted for "CEA and PACA license revocation or suspension, 7 U.S.C. 69, 499h" in the 1957 report.
- 4/ All CAB safety enforcement proceedings, hearing and non-hearing, were combined in a single set of figures in the 1957 report.
- 5/ Mooted.
- 6/ Transferred to another type of proceeding (and therefore possibly reported twice).
- 7/ Continued by Commission order pending settlement.
- 8/ Withdrawn from examiner prior to hearing for agency ruling on a matter not within the examiner's jurisdiction.
- 9/ Escheat indicated. Certified to Solicitor under rules.
- 10/ Disposed of by consolidation.
- 11/ Change of venue (possibly reported twice).
- 12/ 5 change of venue (possibly reported twice) and 2 deaths.



TABLE 10 - TOTAL TIME FROM ASSIGNMENT TO EXAMINER TO DECISION BY EXAMINER IN PROCEEDINGS
IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER HEARING 1/

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total examiner decisions on merits or less | Number of proceedings | | | | | | |
|--|---|--|------|---------------------------------------|------|--|------|--|
| | | Decision rendered in 3 mos. or less | | Over 3 months but not over 6 | | Over 6 months but not over 12 | | Over 1 year but not over 2 |
| | | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 |
| AGRICULTURE DEPARTMENT | | | | | | | | |
| AMA marketing order contests, 7 USC §608e(15) (A) | 1 | 9 | 1 | - | 1 | - | 6 | 2 |
| CEA and P&S cease and desist orders, 7 USC §613a, 193, 211 | - | 2 | - | - | 1 | - | - | 1 |
| P&S license revocation or suspension and cease and desist orders, 7 USC §5204, 205, 213, 218d | 4 | 3 | - | - | 1 | 4 | 1 | - |
| P&S rate determinations, 7 USC §2072/ PACA license denial, 7 USC §499d | 3 | - | - | 2 | - | - | - | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §606, 92/ CEA susp. of trading priv., 7 USC §9 | 1 | 1 | - | - | - | - | - | 1 |
| PACA lic. susp. or rev., 7 USC §499b, 3/ TOTALS | 4 | 2 | - | 2 | - | 4 | - | - |
| | 13 | 20 | 1 | 5 | 3 | 9 | 7 | 4 |
| CIVIL AERONAUTICS BOARD 4/ | | | | | | | | |
| Route licensing, 49 USC §481 | 31 | 18 | 9 | 5 | 4 | - | - | 1 |
| Foreign permits, 49 USC §482 | 15 | 20 | 9 | 19 | 3 | 8 | 3 | 10 |
| Adequacy of service, 49 USC §484 | - | 1 | - | - | - | 3 | - | 9 |
| Mail rates, 49 USC §486 | 2 | 1 | - | - | - | 1 | - | 1 |
| Carrier relations, 49 USC §488, 489 | 11 | 8 | 10 | 3 | - | 1 | 1 | 1 |

TABLE 10 - TOTAL TIME FROM ASSIGNMENT TO EXAMINER TO DECISION BY EXAMINER IN PROCEEDINGS
IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER HEARING 1/

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | | | |
|---|--|---|--|---|--|------------------------------|--|------------------------------|
| | Total examiner decisions on merits 1957 1958 | Decision rendered in 3 mos. or less 1957 1958 | Over 3 months but not over 6 1957 1958 | Over 6 months but not over 12 1957 1958 | Over 1 year but not over 2 1957 1958 | Over 2 years 1957 1958 | Over 1 year but not over 2 1957 1958 | Over 2 years 1957 1958 |
| FEDERAL POWER COMMISSION | | | | | | | | |
| NGA §4(e) Investig., 15 USC §717e(e) | 14 | 5 | - | 1 | 7 | 2 | 7 | 1 |
| NGA §4(e), 5(a) new schd. susp. & rate determ., 15 USC §717e(e), 717d(a) | 3 | 5 | - | 1 | 2 | 1 | 1 | 1 |
| NGA §5(a) cost and rate determinations, 15 USC §717d(a) | 2 | - | 1 | - | 1 | - | - | - |
| NGA §7(a) extension of facilities certificates, 15 USC §717e(a) | 3 | 5 | - | 2 | 3 | 1 | - | - |
| NGA §7(c) construction certificates, 15 USC §717f(c) | 9 | 15 | 2 | 7 | 4 | 8 | - | - |
| NGA §87(a), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) 2/ | - | - | - | - | - | - | - | - |
| NGA §53, 7(c) export and import appli- cations, 15 USC §717b, 717f(c) | - | - | - | - | - | - | - | - |
| NGA §17(b), (c) const. or aband. of serv. certif., 15 USC §717f(b), (c) | 1 | 4 | 1 | 2 | - | 2 | - | - |
| NGA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | - | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(c) | - | 2 | - | - | - | 1 | - | - |
| FPA §84(p), 23(b) land occup. & naviga- tion investig., 15 USC §879b, 8172/ | - | - | - | - | - | - | - | - |
| FPA §105 rate determs., 16 USC §826d, 8172/ | - | - | - | - | - | - | - | - |

TABLE 10 - ADJUD FL -
IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER HEARING 1/ (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total examiner decisions on merits 1957/1958 | Number of proceedings | | | | | | | Over 2 years |
|--|--|--|---------------------------------------|--|--|--------------------------------------|--------------------------------------|--------------------------------------|--------------------|
| | | Decision rendered in 3 mos. or less | Over 3 months but not over 6 | Over 6 months but not over 12 | Over 12 months but not over 2 | Over 2 years but not over 3 | Over 3 years but not over 4 | Over 4 years but not over 5 | |
| INTERSTATE COMMERCE COMMISSION Certifs. of conven. & nec., 49 USC §81(19), 1(21), 6(11), 305, 909, 1010 Finance and transfer of operating authority, 49 USC §812, 912, 1010 Rates, fares, and charges, 49 USC §86(6), 16(1), 906(e), 908(d), 1005 Bankruptcy Act reorganizations, 11 USC §205 Compliance and rules investigations, 49 USC §8305(e), 312, 904(e), 1010(f) TOTALS | 2276 | 2790 | 1216 | 1532 | 787 | 978 | 273 | 262 | - |
| | 129 | 168 | 14 | 6 | 87 | 133 | 28 | 24 | - |
| | 290 | 257 | 95 | - | 46 | 15 | 144 | 154 | 5 |
| | - | 1 | - | - | - | - | - | - | 1 |
| | 30 | 67 | 22 | 5 | 8 | 32 | - | 28 | - |
| JUSTICE DEPT., OFFICE OF ALIEN PROPERTY Claims, 50 USC App. §49, 32, 34 | 2725 | 3283 | 1347 | 1543 | 928 | 1158 | 445 | 468 | 5 |
| | 94 | 86 | 8 | 3 | 14 | 9 | 42 | 22 | 30 |
| | 21 | 26 | 4 | 6 | 9 | 10 | 8 | 8 | - |
| | 3 | 3 | 1 | 1 | 1 | 1 | 1 | 1 | - |
| | 1 | - | - | - | - | - | - | - | - |
| LABOR DEPARTMENT Walsh-Healey Act enforce., 41 USC §39 Determinations as to statutory qual- ification to contract, 41 USC §392/ Davis-Bacon Act minimum wage determinations, 40 USC §276a TOTALS | 22 | 29 | 4 | 7 | 9 | 11 | 9 | 9 | - |
| | - | - | - | - | - | - | - | - | - |
| | - | - | - | - | - | - | - | - | - |
| | - | - | - | - | - | - | - | - | - |
| | - | - | - | - | - | - | - | - | - |

-- LINE FROM ASSIGNMENT TO EXAMINER TO DECISION BY EXAMINER IN PROCEEDINGS
IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER HEARING 1/ (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of proceedings | | | | | | | | | |
|--|---|--|---------------------------------------|------|--|------|-------------------------------------|-----------------|-----------------|-----------------|
| | Total examiner decisions on merits | Decision rendered in 3 mos. or less | Over 3 months but not over 6 | | Over 6 months but not over 12 | | Over 1 year but not over 2 | Over 2 years | Over 3 years | Over 4 years |
| | | | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| SECURITIES AND EXCHANGE COMMISSION Stop orders (SA), 15 USC §77n(d) Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §78o(b), 78o-3 Suspension or withdrawal of registra- tion (SEA), 15 USC §78s(a), 78s(b) Approval of sales, acquisitions, ex- ceptions, or reorganization plans (PUHCA), 15 USC §79e, f, g, i, j, k, r Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 IAA registration, 15 USC §80b-3 Disbarment (SA, SEA), 15 USC §77g, 77ass, 78v(a), 79c, 80a-37, 80b-11g, TOTALS | 10 | 4 | 1 | - | 3 | - | 6 | 2 | - | - |
| | 13 | 12 | 2 | 1 | 9 | 1 | 2 | 7 | - | 3 |
| | - | - | - | - | - | - | - | - | - | - |
| | - | - | - | - | - | - | - | - | - | - |
| | 1 | - | - | - | - | - | - | - | 1 | - |
| | - | 1 | - | - | - | - | - | - | 1 | - |
| | 24 | 18 | 3 | 2 | 12 | 1 | 8 | 9 | 1 | 6 |
| SUBVERSIVE ACTIVITIES CONTROL BOARD Communist action, front, infiltrated organizations, 50 USC §592, 792a | 3 | 4 | - | 1 | - | 2 | 1 | - | 2 | - |
| TREASURY DEPARTMENT COAST GUARD Suspension or revocation of marine licenses, 46 USC §239, 239b | 1354 | 1479 | 1225 | 1357 | 78 | 70 | 41 | 31 | 10 | 14 |

DIRECTOR OF PRACTICE

Disbarment or suspension, 5 USC §264

IRS ALCOHOL AND TOBACCO TAX DIVISION

Permit proceedings, 26 USC §5304,

5712, 5713, 27 USC §204

| | | | | | | | | | | |
|------|------|------|------|------|-----|-----|-----|-----|----|---|
| 2 | - | - | - | - | 1 | - | - | 1 | - | - |
| 34 | 31 | 23 | 22 | 9 | 6 | 2 | 1 | - | 2 | - |
| 5127 | 2966 | 1230 | 3395 | 1778 | 741 | 849 | 165 | 318 | 55 | |
| 6395 | | | | | | | | | | |

GRAND TOTAL - 21 AGENCIES

Table 10 corresponds to Table VI of the 1957 report. Figures for 1957 which appeared in the first two columns of Table VI under the headings, "1 mo. or less" and "1 to 3 mos.", are combined in this report under the heading, "Decision rendered in 3 mos or less." The last two columns in this table report cases in the hands of examiners from 1 to 2 years and over 2 years. Last year the agencies were asked to report in a single figure all cases in the hands of examiners more than 12 months. Therefore 1957 cases in this category are reported in the column entitled "Over 1 year but not over 2" even though some of them may have been assigned to examiners more than 2 years.

2/ Type of proceeding added to those listed last year.

3/ Substituted for "CEA and PACA license revocation or suspension, 7 U.S.C. 69, 499b" in the 1957 report.

4/ Except for safety enforcement proceedings, the period of time reflected in the CAS figures is the period from opening of the hearing or, if prehearing conference was held, from such prehearing, to disposition by the examiner. With respect to safety enforcement proceedings the periods indicated are from date of assignment to an examiner. All CAS safety enforcement proceedings, hearing and non-hearing, were combined in a single set of figures in the 1957 report, and therefore are reported again in that fashion in this table under the column heading "1957."

5/ For 1957 the FMS computed over-all examiner time from the date the examiner was directed to hold on date of assignment to an examiner.

Footnotes for Table 10 Cont'd.

- 6/ Total figure, 148, includes 12 cases not reported in the other columns of this table. These were reopened or remanded cases as to which data relative to time involved are not available.
- 7/ Includes 3 reopened or remanded cases for which time data not available.
- 8/ Includes 4 cases for which time data not available.
- 9/ Includes 2 cases for which time data not available.
- 10/ Includes 25 cases for which time data not available.
- 11/ Time intervals involved in the 41 Post Office fraud and unlawful order cases decided on the merits after hearing in 1957 were not reported separately, but rather were combined with such data for 37 default cases.

TABLE 11 - TIME UNDER ADJUDICATION BY EXAMINERS

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total examiner decisions on merits | Number of Proceedings | | | | | |
|--|---|---|-------------|--------------------------------------|-------------|--|---|
| | | Under ad- visement 1 month or less | | Over 1 month but not over 3 | | Over 3 months but not over 6 | |
| | 1957 1958 | 1957 1958 | 1957 1958 | 1957 1958 | 1957 1958 | Over 6 months but not over 12 | Under ad- visement over 1 year |
| AGRICULTURE DEPARTMENT | | | | | | | |
| AMA marketing order contests, 7 USC §608c(15) (A) | 1 9 | - | 3 | 1 | 2 | - | - |
| CEA and P&S cease and desist orders, 7 USC §813a, 193, 211 | - 2 | - | 1 | - | 1 | - | - |
| P&S license revocation or suspension and cease and desist orders, 7 USC §204, 205, 213, 218d | 4 3 | - | 2 | 2 | 1 | 2 | - |
| P&S rate determinations, 7 USC §2072/ PACA license denial, 7 USC §499d | 3 3 | 3 | 3 | - | - | - | - |
| CEA suspension or revocation of registration and suspension of trading privileges, 7 USC §56g, 92/ CEA susp. of trading priv., 7 USC §9 | - 1 1 - 4 2 | 1 1 - 2 1 | 1 - 1 | - - 2 | - - 4 | - - 1 | - - 1 |
| PACA lic. susp. or rev., 7 USC §499h3/ TOTALS | 13 20 | - 6 | 11 | 5 | 4 | 2 5 | - |
| CIVIL AERONAUTICS BOARD | | | | | | | |
| Route licensing, 49 USC §481 | 31 18 | 14 | 6 | 6 | 2 | 9 | - |
| Foreign permits, 49 USC §482 | 15 20 | 9 | 14 | 4 | 6 | 1 | 3 |
| Adequacy of service, 49 USC §484 | - 1 | - | - | - | - | - | - |
| Mail rates, 49 USC §485 | 2 1 | - | - | 1 | 1 | - | 1 |
| Carrier relations, 49 USC §488, 489 | 11 8 | 6 | 3 | 5 | 3 | - | - |
| Agreements, 49 USC §492 | 7 7 | 6 | 6 | 1 | 1 | - | - |

TABLE 11 - TIME UNDER ADVISEMENT¹/ BY EXAMINERS (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Total examiner decisions on merits 1957 1958 | Number of Proceedings | | | | | | | | | | Under ad- visement 1 month or less 1957 1958 | Over 3 months but not over 6 1957 1958 | | Over 6 months but not over 12 1957 1958 | | Under ad- visement over 1 year 1957 1958 | |
|--|--|--|------|------|------|------|------|------|------|------|------|--|--|------|---|------|--|---|
| | | Under ad- visement 1 month or less 1957 1958 | | | | | | | | | | | Over 3 months but not over 6 1957 1958 | | Over 6 months but not over 12 1957 1958 | | | |
| | | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | | 1957 | 1958 | 1957 | 1958 | | |
| FEDERAL POWER COMMISSION | | | | | | | | | | | | | | | | | | |
| NGA §4(c) investig., 15 USC §717c(e) | 14 | 5 | 1 | 2 | 2 | 1 | 6 | 2 | 5 | - | - | - | - | - | - | - | - | - |
| NGA §4(e), 5(a) new sched. susp. & rate determ., 15 USC §717c(e), 717d(a) | 3 | 5 | - | - | 1 | 2 | 1 | 2 | 1 | - | - | - | - | - | - | - | - | - |
| NGA §5(a) cost and rate determinations, 15 USC §717d(a) | 2 | - | 1 | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| NGA §7(a) extension of facilities certificates, 15 USC §717f(a) | 3 | 5 | 1 | 3 | 2 | 1 | - | 1 | - | - | - | - | - | - | - | - | - | - |
| NGA §7(c) construction certificates, 15 USC §717f(e) | 9 | 15 | 5 | 8 | 4 | 4 | - | 3 | - | - | - | - | - | - | - | - | - | - |
| NGA §57(a), (c) ext. of fac. & constr. certifs., 15 USC §717f(a), 717f(c) 2/ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| NGA §83.7(c) export and import appli- cations, 15 USC §5717b, 717f(c) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| NGA §87(b), (c) constr. or aband. of serv. certif., 15 USC §8717f(b), (c) | 1 | 4 | 1 | 1 | - | - | - | 2 | - | - | - | - | - | - | - | - | - | - |
| NGA §7 certificates other than §7(c) certificates, 15 USC §717f(e) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| FPA §4(e) water power construction licenses, 16 USC §797(e) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| FPA §84(g), 23(b) land occup. & naviga- tions investig., 15 USC §§ 797g, 817/2/ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| FPA §205 rate determs., 16 USC §824c/2/ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| FPA §206 investigations, 16 USC §824e/2/ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| FTA rule making, 16 USC §825b/2/ | 1 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| TOTALS | 32 | 37 | 9 | 15 | 10 | 9 | 7 | 11 | 6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

TABLE 11 - TIME UNDER ADVISEMENTS/ BY EXAMINERS (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of Proceedings | | | | | | | | | | |
|---|---|---|--------------------------------------|---------------------------------------|--|---|-----|-----|----|-----|----|
| | Total examiner decisions on merits | Under ad- visement 1 month or less | Over 1 month but not over 3 | Over 3 months but not over 6 | Over 6 months but not over 12 | Under ad- visement over 1 year | | | | | |
| | 1957-1958 | 1957-1958 | 1957-1958 | 1957-1958 | 1957-1958 | 1957-1958 | | | | | |
| INTERSTATE COMMERCE COMMISSION | | | | | | | | | | | |
| Certifs. of conven. & pac.; 49 USC §§1(19), 1(21), 6(11), 305, 909, 1010 | 2276 | 2790 | 252 | 279 | 1471 | 2372 | 508 | 117 | 45 | 14 | 8 |
| Finance and transfer of operating authority, 49 USC §312, 912, 1010 | 129 | 168 | | 8 | 5/36 | 75 | 93 | 53 | - | 26 | 6 |
| Rates, fares, and charges, 49 USC §§6(6), 16(1), 906(e), 908(d), 1005 | 290 | 257 | 73 | - | 96 | 57 | 75 | 96 | 46 | 84 | 20 |
| Bankruptcy Act reorganizations, 11 USC §205 | - | 1 | - | - | - | - | - | - | - | 1 | - |
| Compliance and rules investigations, 49 USC §§305(e), 312, 904(e), 1010(f) | 30 | 67 | | 33 | 5/30 | 28 | - | 5 | - | 1 | - |
| TOTALS | 2725 | 3283 | 325 | 320 | 1633 | 2532 | 676 | 271 | 91 | 126 | 34 |
| JUSTICE DEPT., OFFICE OF ALIEN PROPERTY | | | | | | | | | | | |
| Claims, 50 USC App. §59, 32, 34 | 94 | 86 | 15 | 8 | 27 | 15 | 29 | 26 | 23 | 33 | 4 |
| LABOR DEPARTMENT | | | | | | | | | | | |
| Walsh-Bealey Act, enforce., 41 USC §39 | 21 | 26 | 13 | 6 | 7 | 10 | 1 | 6 | - | 3 | 1 |
| Determinations as to statutory qual- ification to contract, 41 USC §392/ | 3 | | | 1 | | 2 | | - | - | - | - |
| Davis-Bacon Act minimum wage determinations, 40 USC §276a | 1 | - | - | - | 1 | - | - | - | - | - | - |
| TOTALS | 22 | 29 | 13 | 7 | 8 | 12 | 1 | 6 | - | 3 | 1 |

NATIONAL LABOR RELATIONS BOARD/

CA cases (alleged §8(a) unfair practices by employer), 29 USC §160(b)
 CB cases (alleged §8(b) 1, 2, 3, 5, 6 unfair union pract.), 29 USC §160(b)
 CC cases (alleged §8(b)(4)(A), (B), (C) union pract.), 29 USC §160(b)
 CD cases (alleged §8(b)(4)(D) unfair union pract.) 29 USC §160(b), (k)
 RC cases (pet. for cert. of representation), 29 USC §159(c)(1)(A)(i)
 CA - CB cases, 29 USC §160(b)
 CA - CC cases, 29 USC §160(b)
 CA - CD cases, 29 USC §160(b), (k)
 CA - RC cases, 29 USC §160(b), 159(c)(1)(A)(i)
 CA - RD cases (incl. decert. petit.), 29 USC §160(b), 159(c)(1)(A)(ii)
 CB - CC cases, 29 USC §160(b)
 CC - CD cases, 29 USC §160(b), (k)
 TOTALS

| | | | | | |
|--------|-----|-----|----|----|---|
| 157 | 12 | 85 | 45 | 15 | - |
| 36 | 3 | 20 | 13 | - | - |
| 50 | 3 | 34 | 12 | 1 | - |
| 2 | - | 2 | - | - | - |
| - | - | - | - | - | - |
| 33 | 1 | 15 | 14 | 3 | - |
| 1 | - | - | 1 | - | - |
| - | - | - | - | - | - |
| 3 | 1 | 2 | - | - | - |
| 2 | - | 1 | 1 | - | - |
| 3 | - | 3 | - | - | - |
| 1 | - | - | 1 | - | - |
| 5/285 | 20 | 162 | 87 | 19 | - |
| 286 | - | - | - | - | - |
| 16 | 8 | 2 | 5 | 4 | - |
| 37 | 14 | 14 | 2 | 4 | - |
| 25 | 9 | 4 | 10 | 2 | 1 |
| 3 | 2 | - | - | - | - |
| 5 | 3 | 2 | 1 | - | - |
| 13 | 8 | 4 | - | - | - |
| 89 | 22 | 36 | 9 | 4 | - |
| 48 | 39 | 8 | 12 | 8 | 1 |
| TOTALS | 222 | 162 | 12 | 4 | 1 |

POST OFFICE DEPARTMENT

Fraud & Lottery, 39 USC §4259, 732
 "Unlawful" orders, 39 USC §259a
 Mailability, 18 USC §1502, 1451
 2nd class applications, 39 USC §232
 TOTALS

(Footnotes at end of table)

ONE UNDER ADVISEMENT/ BY EXAMINERS (Cont'd.)

| TYPES OF PROCEEDINGS REPORTED BY THE AGENCIES | Number of Proceedings | | | | | | |
|---|--|---|---|--|---|---|--|
| | Total examiner decisions on merits 1957/1958 | Under ad- vise ment 1 month or less 1957/1958 | Over 1 month but not over 3 1957/1958 | Over 3 months but not over 6 1957/1958 | Over 6 months but not over 12 1957/1958 | Under ad- vise ment over 1 year 1957/1958 | |
| <u>SECURITY AND EXCHANGE COMMISSION</u> | | | | | | | |
| Stop orders (SA), 15 USC §77h(d) | 10 | 4 | - | 1 | 3 | 2 | |
| Rev. or susp. of broker-dealer, NASD member (SEA), 15 USC §78o(b), 78o-3 | 13 | 12 | 2 | 7 | 9 | 3 | |
| Suspension or withdrawal of registration (SEA), 15 USC §778a(a), 78x(b) | - | - | - | - | - | - | |
| Approval of sales, acquisitions, exemptions, or reorganization plans (FURCA), 15 USC §779a-f, g, i, j, k, v | - | - | - | - | - | - | |
| Exemption or other relief (ICA), 15 USC §80a-3, 6, 7, 8, 17, 39, 40, 41 | 1 | - | - | - | - | - | |
| IAA registration, 15 USC §80b-3 | - | 1 | - | 1 | - | - | |
| Disbarment (SA, SEA), 15 USC §77f, 77888, 78w(a), 79t, 80a-37, 80b-112/ | 1 | 1 | 1 | - | - | - | |
| TOTALS | 24 | 18 | 2 | 10 | 12 | 5 | |
| <u>SUBVERSIVE ACTIVITIES CONTROL BOARD</u> | | | | | | | |
| Communist action, front, infiltrated organizations, 50 USC §4792, 792a | 3 | 4 | - | - | 1 | 1 | |
| <u>TREASURY DEPARTMENT</u> | | | | | | | |
| <u>COAST GUARD</u> | | | | | | | |
| Suspension or revocation of marine licenses, 46 USC §239, 239b | 1354 | 1479 | 1215 | 1298 | 72 | 102 | |
| | | | | | 53 | 42 | |
| | | | | | 14 | 22 | |
| | | | | | | 15 | |

TABLE 12 - HEARING EXAMINER STAFF - DAYS PER MAN-YEAR IN HEARINGS AND PRE-HEARING CONFERENCES - AVERAGE NUMBER OF DECISIONS ON THE MERITS - NUMBER OF PROCEEDINGS ASSIGNED FOR CONDUCT OF HEARING ONLY

| AGENCY | Number of APA Section 11 hearing examiners employed on July 1st | | | Total examiner man-years available to agency during the fiscal year | | Aver. number of days in hearings and conferences per man-year in all types of proceedings | | Aver. number of decisions on merits per man-year in types of proceedings listed in Tables 1-11 | | Number of proceedings assigned to hearing examiners for conduct of hearing only | |
|---------------------------|--|------|------|--|------|--|--------|---|--------|--|-------|
| | 1956 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 | 1957 | 1958 |
| Agriculture | 5 | 5 | 5 | 5 | 5 | 72.4 | 49.6 | 4.8 | 4 | 73 | 84 |
| Civil Aeronautics Board | 23 | 23 | 24 | 23 | 23.6 | 26.7 | 27.3 | 26.6 | 2/31.6 | - | - |
| Civil Service Commission | 1 | 1 | 1 | .7 | 1 | 5.5 | 3 1/2 | 2.7 | 1 | - | - |
| Fed. Communications Comm. | 10 | 12 | 13 | 10.1 | 11.1 | 4/ | 60 | 10.9 | 8.6 | 1 | 1 |
| Fed. Maritime Board | 5 | 6 | 6 | 4.9 | 6 | 29.4 | 25.3 | 4.5 | 2.3 | - | - |
| Fed. Power Commission | 11 | 11 | 11 | 10.7 | 10.6 | 107.7 | 5/72.5 | 3 | 3.5 | - | 5/462 |
| Fed. Trade Commission | 11 | 12 | 12 | 11.4 | 12 | 58.8 | 65.3 | 7/20 | 7/4.9 | - | - |
| HEW, Food & Drug Admin. | 1 | 1 | 1 | .9 | 1 | 6.5 | 23 | - | - | 2 | 2 |
| HEW, Soc. Security Admin. | 23 | 55 | 81 | 34 | 76.7 | 8/ | 8/ | 123.6 | 54.8 | - | - |
| Interior, Land Mgmt. | 4 | 9 | 9 | 6.6 | 9 | 29.1 | 21.8 | 18.3 | 12.9 | - | - |

| | | | | | | | | | | | |
|--|-----|-----|-----|-------|-------|-------|-------|-------|-------|-----|-----|
| Interior, Indian Affairs | 13 | 12 | 10 | 12.3 | 10.9 | 8/ | 8/ | 188.5 | 147.8 | - | - |
| Interstate Commerce Comm. | 105 | 95 | 91 | 100 | 93.9 | 25.7 | 34.4 | 39.1 | 35 | - | - |
| Justice, Alien Property | 6 | 6 | 5 | 6 | 5.8 | 20.8 | 12.2 | 15.7 | 14.8 | - | - |
| Labor Department | 2 | 2 | 2 | 2 | 2 | 37.5 | 31 | 11 | 14.5 | 4 | 6 |
| Nat. Labor Relations Bd. | 45 | 45 | 46 | 41.3 | 42.5 | 28.5 | 27.8 | 7 | 6.8 | - | - |
| Post Office Department | 2 | 2 | 2 | 9/2.3 | 3.2 | 35.2 | 22.2 | 10/37 | 27.8 | - | - |
| Securities & Exchange Comm. | 3 | 3 | 3 | 3.9 | 4.7 | 29.2 | 81.9 | 6.2 | 3.8 | 42 | - |
| Subvers. Activ. Control Bd. | 1 | 1 | - | .8 | .6 | 97.5 | 35 | 3.8 | 6.7 | - | - |
| Treasury, Coast Guard | 13 | 14 | 15 | 13 | 15 | 135.2 | 123.6 | 104.2 | 98.6 | - | - |
| Treasury, Dir. of Practice and Alcohol & Tob. Tax | 3 | 3 | 3 | 3 | 3 | 20 | 18.3 | 12 | 10 | - | - |
| TOTALS | 287 | 318 | 340 | 291.9 | 337.6 | | | | | 122 | 555 |

1/ Table 12 corresponds to Table IX of the 1957 report. The column showing examiner man-years available to each agency includes the time of chief examiners, and takes into account entrances upon and separations from service as well as inter-agency loans of examiners, without reduction for any time necessarily spent in training new personnel or in other duties "not inconsistent with duties and responsibilities as examiners." The column which reflects the average number of decisions issued per man-year

(Footnotes continued on next page)

Footnotes to Table 12 (Cont.)

- 1/ relates only to decisions on the merits in contested cases in those types of proceedings which are the subject of the foregoing tables, that is, proceedings within the limitations described in the text preceding these tables. However, the columns indicating average time in hearings and number of cases assigned only for conduct of the hearing go beyond these limitations to encompass all types of cases in which examiners preside, whether or not they are reported in the foregoing tables.
- 2/ If decisions in non-hearing safety enforcement proceedings are excluded from the computation, this figure is reduced to 11.7.
- 3/ The CSC examiner also conducts Hatch Act Sec. 9(a) cases, which are not reported in these tables.
- 4/ The average hours in hearings and conferences per man-year in 1957 was 116.4 hours. Number of days on which hearings and conferences were held is not available.
- 5/ If uncontested hearings are eliminated from this computation the average number of days figure is reduced to 52.8.
- 6/ Uncontested cases.
- 7/ 13.6 decisions per man-year in 1957 were consent decisions. Consent decisions are excluded from the figure for 1958.
- 8/ Data not available.
- 9/ 5 second-class entry hearings were conducted by a presiding officer who is not a hearing examiner. His time is not included in the man-years figure.
- 10/ 16.1 decisions per man-year in 1957 were default decisions. Default decisions are not included in the figure for 1958.

APPENDIX

(c) Effect of Exceptions--The effectiveness of the intermediate decision shall be stayed if any party files a notice of appeal and exceptions within the times specified above or if the agency upon notice to the parties undertakes to review the decision. Otherwise, the intermediate decision shall become the final decision of the agency.

(d) Replies--Within ten days after service of exceptions, any opposing party may file a reply to such exceptions.

(e) Content--Exceptions shall identify specifically the findings, conclusions, or proposed action to which objection is made, and shall be supported by concise argument and by specific page references to the parts of the record and the legal and other authorities relied upon.

(f) Enlargement of Time--The time periods prescribed by this rule may be extended by the agency for good cause.

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|-------|-------|-------|-------|------|---|
| FUAP - Suggested Rule | X | X | X | X | | | |
| Agencies | | | | | | | |
| AMS-Marketing Agreements (1) | | | X(25) | | X | | |
| AMS-Post-Market Agreements | | | | | | | |
| Competition (17) | | | X(25) | | X | | |
| Commodity Exchange Authority (17) | | | X(25) | | | | |
| Roths & and Standard (17) | | | X(25) | | X | | |
| Arctic Energy Commission (5) | X | X | X | X | | | |
| Civil Aeronautics Board (5) | X | X | X | X | | | |
| Federal Civilian Control | | | | | | | |
| Board of Review (17) | X | X | X(26) | | | X | |
| Federal Communications Commission | | | | | | | |
| (10) | X | X(28) | X | X | | (27) | X |
| Federal Deposit Insurance Corporation | | | | | | | |
| (9) | X | X | X(28) | | X(31) | X | |
| Federal Home Loan Bank Board | | | | | | | |
| (10) | X | X | X(28) | X(32) | | X | |
| Federal Maritime Board | | | | | | | |
| (11) | X | X | X(20) | X | | | X |
| Federal Reserve Board | | | | | | | |
| (12) | X | X | X(26) | | | X | |
| Federal Reserve Board | | | | | | | |
| (13) | X | X | X(26) | | X(31) | X | |
| Foreign Claims Commission | | | | | | | |
| (14) | X | X | X | X | | | |
| Indian Claims Commission | | | | | | | |
| (15) | X | X | X(26) | X | | | X |
| Intelligence - Bureau of Land Management | | | | | | | |
| (16) | X | X | X(29) | X | | X | X |
| Intelligence - Bureau of Land Management | | | | | | | |
| (17) | X | X | X(26) | | | X | X |
| Intelligence - Office of Alaska | | | | | | | |
| (18) | X | X | X | | | | |
| Intelligence - Office of Alaska | | | | | | | |
| (19) | X | X | X(26) | X | | X | X |
| Intelligence - Office of Alaska | | | | | | | |
| (20) | X | X | X(26) | | X(31) | X | X |
| Intelligence - Office of Alaska | | | | | | | |
| (21) | X | X | X | X | | X | X |
| Treasury-Federal Alcohol Administration Act | | | | | | | |
| (22) | X | X | X | | | | |
| Veterans Administration | | | | | | | |
| (23) | X | X | X | | | | |

1. Exclude initial day of period.
2. Include last day of period.
3. When last day of period falls on a Saturday, Sunday or holiday the period is extended to include the next business day.
4. When period is less than seven days, intermediate Saturdays, Sundays and holidays are excluded.
5. Specific provision for including intermediate Saturdays and holidays.
6. Day holiday not considered a holiday.
7. Automatic extension of time based on location of parties or method of service of documents.

- (1) 7 CFR § 200.13(d)
- (2) 7 CFR § 47.25(d), 47.43(d)
- (3) 17 CFR § 0.23(f), 0.72(f)
- (4) 9 CFR § 202.33(f)
- (5) 10 CFR § 2.101
- (6) 16 CFR § 202.16
- (7) 30 CFR § 491.6
- (8) 47 CFR § 1.18
- (9) 12 CFR § 206.16
- (10) 26 CFR § 189.2(e)
- (11) 24 CFR § 201.101, 201.102
- (12) 18 CFR § 1.13(a)
- (13) 12 CFR § 263.11(e)
- (14) 45 CFR § 261.7(a)
- (15) 25 CFR § 263.3
- (16) 43 CFR § 351.56
- (17) 48 CFR § 1.21(a)
- (18) 8 CFR § 202.27
- (19) 20 CFR § 102.83
- (20) 17 CFR § 201.13(d)

- (21) 28 CFR § 201.3
- (22) 30 CFR § 200.38
- (23) 39 CFR § 1.20
- (24) Saturdays on which the Board's offices are not open for business will be considered as holidays.
- (25) Saturday is considered a business day.
- (26) "Legal holiday" means legal holiday in the District of Columbia.
- (27) A half holiday is considered as a holiday.
- (28) Any document lodged with the Commission a 5 p.m. shall be deemed to be filed on the next succeeding business day.
- (29) "Legal holiday" means Federal legal holiday.
- (30) "Legal holiday" means national legal holiday.
- (31) Intermediate Saturdays also included.
- (32) When period is less than ten days, intermediate Saturdays, Sundays, and holidays are excluded.

Explanatory Comment on Column 7

Seven of the twenty-three agencies which have rules relative to the computation of time have a provision for the automatic extension of the prescribed period of time when agency documents are served upon parties by mail or when parties live in designated geographical areas. The rules of three agencies¹ provide that whenever a prescribed period runs from the service of agency notice or other document upon him and service is made by mail, three days shall be added to the prescribed period.² The rules of a fourth agency³ provides that the three days shall be added only when the time allowed for filing a response following the service of a document by mail is ten days or less.

Three agencies, by rule, allow additional days for filing documents when the parties reside in designated geographical areas. The Federal Maritime Board⁴ allows five additional days for filing documents when the parties reside in Alaska, Washington, Arizona, California or beyond the continental United States. The Interstate Commerce Commission⁵ allows five additional days to any specified period when the general office of a person party to a proceeding or office of the practitioner representing him is located at or west of El Paso, Texas, Salt Lake City, Utah, or Helena, Montana. The rules of the Securities and Exchange Commission⁶ allow five additional days to any prescribed period relative to filing of documents with it when the hearing officers and parties are residents of Montana, Idaho, Wyoming, Colorado, New Mexico, Utah, Arizona, Nevada, Washington, Oregon and California. Hearing officers and parties who reside beyond the confines of the continental United States shall have an additional period of twenty days within which to file documents with the Commission.

¹ Indian Claims Commission (25 CFR § 503.5(d)), National Labor Relations Board (29 CFR § 102.83) and Subversive Activities Control Board (28 CFR § 201.3).

² NLRB rules provide that three days shall not be added if any extension of such time may have been granted.

³ Federal Communications Commission (47 CFR § 1.18(d)).

⁴ 46 CFR § 201.102.

⁵ 49 CFR § 1.21(c).

⁶ 17 CFR § 201.13.

RESIDENT'S CONFERENCE ILLUSTRATIVE RULE

COMPUTATION OF TIME

In computing any period of time prescribed or allowed by the (agency) rules, by order of the (agency) or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

ADDITIONAL PRESIDENT'S CONFERENCE'S
SUGGESTED ILLUSTRATIVE RULES

PRESUMPTIONS

Upon proof of the predicate facts specified in the subrules hereof without substantial dispute and by direct, clear, and convincing evidence, the Agency, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

- (i) Continuity. That a fact of a continuous nature, proved to exist at a particular time continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;
- (ii) Identity. That persons and objects of the same name and description are identical;
- (iii) Delivery. Except in a proceeding where the liability of the carrier for non-delivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business.
- (iv) Ordinary Course. That a fact exists or does not exist, upon proof of the existence or non-existence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists with the fact presumed;
- (v) Acceptance of Benefit. That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

- (vi) Interference with Remedy. That evidence, with respect to a material fact which in bad faith is destroyed, eloiigned, fabricated, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

STIPULATIONS AND ADMISSIONS OF RECORD IN PROCEEDINGS INVOLVING NUMEROUS PARTIES

The existence or non-existence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

- (i) Upon Whom Binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or non-existence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them.
- (ii) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the agency that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will no unjustly prejudice the rights of other parties to the proceeding.

FORM AND CONTENT OF DECISIONS

Every decision, whether recommended, initial, tentative or final, shall contain in the following order:

- (i) A correct caption of the proceeding;
- (ii) Description of the nature and status of the decision;
- (iii) Separately identified headnotes of the several points decided;
- (iv) Designation of all parties and counsel to the proceeding;
- (v) A concise statement of the nature and background of the proceeding;
- (vi) A concise statement of the facts but without recitation of the evidence;
- (vii) A concise definition of the issues to be decided;
- (viii) In separately identified paragraphs (which will correspond to the appropriate headnotes) a concise discussion of each issue, the principles involved and the determination made thereof with reasons and precedents relied upon to support the same;
- (ix) A statement of the rule, order, sanction or relief or the denial thereof to be made in accordance with the decision.

| Agency | Disposi- tion may be summary | Grounds for Disbarment | | | | | | T- 14 |
|---|---------------------------------------|-----------------------------|--|--|--|--|---|---|
| | | Disbar- ment by court | Disbar- ment by other adminis- trative agencies | "Good cause," "malici- ous" or in agency discre- tion | Violat- ion of standards of con- duct of courts | Disbar- ment or suspension of con- duct | Lacking quali- fika- tions to repres- ent others | Service disbarment, ineligibility |
| Department of Agriculture | | | | | | | | |
| Agricultural Marketing Ser- vice | (1) | X | | | | X | | |
| Commodity Exchange Authority | (2) | | | | X | | | |
| Packers and Stockyards Act | (3) | | | | X | | | |
| Department of Commerce | | | | | | | | |
| Bureau of Foreign Commerce | (4) | | | | | | | |
| Civil Aeronautics Adminis- tration | (5) | | | X | | | | |
| Civil Aeronautics Board | (6) | | | X | | | | |
| Patent Office | (7) | | | | X | | | |
| Department of DEF | | | | | | | | |
| SSA-Appellate Council | (8) | | | | | A | | |
| Department of the Interior | (9) | | | | | | | |
| Department of Justice | | | | | | | | |
| Board of Immigration Appeals | (10) | X | X | | | | | |
| Immigration and Naturaliza- tion Service | (10) | X | X | | | | | |
| Department of Labor | | | | | | | | |
| Deputy Commissioner | (11) | | | X | | | | |
| Federal Coal Mine Safety | | | | | | | | |
| Board of Review | (12) | X | | | | X | X | A |
| Federal Communications | | | | | | | | |
| Commission | (13) | | | | X | | | |
| Verbal Deposit Insurance Corp. | (14) | | | X | | | | |
| Federal Maritime Board | (15) | | | X | | | | |
| Federal Power Commission | (16) | X | | | | X | X | |
| Federal Reserve Board | (17) | X | | X | | | | |
| Foreign Claims Settlement | | | | | | | | |
| Commission | (18) | X | | | | X | X | X |
| General Accounting Office | (19) | | | | | | | |
| Indian Claims Commission | (20) | X | X | | X | | | |
| Interstate Commerce Commission | (21) | | | (22) | | | | |
| National Labor Relations Board | (22) | X | | | | | | |
| Post Office Department | (23) | | X | X | | | | |
| Securities and Exchange | | | | | | | | |
| Commission | (24) | X | | | | X | X | X |
| Subversive Activities | | | | | | | | |
| Control Board | (25) | X | | | | | | |
| Treasury Department | (26) | | | | | | | |
| U. S. Taxide Commission | (27) | | | X | | | | |
| Veterans Administration | (28) | X | | | | | | |

* A hearing is also afforded before all agencies except the
Subversive Activities Control Board.

- (1) 7 CFR § 900.60(b)(2) and 7 CFR § 45.30(b)(2)
(2) 17 CFR § 0.11(c)(1)
(3) 9 CFR § 202.11(c)(1)
(4) 15 CFR § 200.2
(5) 14 CFR § 400.43
(6) 14 CFR § 302.11(a)
(7) 37 CFR § 1.354, .360
(8) 20 CFR § 403.713(f)
(9) 43 CFR § 1.7
(10) 8 CFR § 202.6, .61
(11) 20 CFR § 31.21
(12) 20 CFR § 403.8(f)
(13) 47 CFR § 1.25
(14) 15 CFR § 300.3(b)
(15) 46 CFR § 101.28

- (16) 28 CFR § 1.4
(17) 12 CFR § 202.100
(18) 45 CFR § 500.5
(19) 4 CFR § 1.7
(20) 25 CFR § 502.38
(21) 45 CFR § 1.15
(22) 29 CFR § 102.44
(23) "In[con]duct (at any hearing be-
fore a trial examiner or before the
Board) of an aggrieved claimant,
when engaged in by an attorney or
other representative of a party,
shall be grounds for suspension or
disbarment..."
25 CFR § 102.44(b)

- (24) 37 CFR
(25) 17 CFR
(26) 20 CFR
(27) 47 CFR
(28) 15 CFR
(29) 46 CFR

FED AGENCY RULES ON ADMISSION AND DISCIPLINE OF ATTORNEYS*

tion.

Practice by Attorneys. Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of a State, territory, or of the District of Columbia, and who is not under any order of any court suspending, restraining, disbaring, or otherwise restraining him in the practice of law, may represent before the agency.

Authority to Constitute Certificate. When a person acting in a representative capacity appears before the agency or signs a paper in practice before this agency, his personal appearance or signature shall constitute a representation to the agency that under the provisions of these regulations and the law he is duly admitted and qualified to represent the particular person whose behalf he acts. Further proof of authority to act in a representative capacity is not required.

Service by or upon Attorneys. When any participant in any matter before [name of agency] is represented by an attorney-at-law and that fact has been made known in writing to the agency, any notice or written communication required or permitted to be given to or by such participant shall be given to such attorney. Where any other method of service is specifically provided by statute, service shall be made as so provided. If a participant is represented by more than one attorney, service by or upon one of such attorneys shall be sufficient.

*Recognized that non-lawyers are admitted to practice before a number of agencies and that there should be admission and disciplinary procedures for them. This suggested uniform rule, does not attempt to deal with all agencies. However, it is believed that it can be adapted to meet the special needs of each agency.

II. Disqualification and Suspension.

(a) The Agency may disqualify, temporarily or permanently, from practice before it any attorney who it finds, after notice and opportunity for hearing, does not meet the requirements for admission to practice set forth in Sec. I above, has been disqualified, suspended, or disbarred by any other agency of the Federal Government, is guilty of unethical or unprofessional conduct, or is not qualified to represent others before the Agency. A person disqualified to practice before the Agency will not be recognized in a representative capacity during the period of disqualification in any matter before the Agency.

(b) Contemptuous conduct by an attorney at any hearing before the Agency shall be ground for summary suspension and exclusion from further participation in the proceeding without notice or opportunity for hearing.

III. Procedures for Discipline of Attorneys.

(a) Whenever an officer or employee of the agency has reason to believe that an attorney representing others before the agency has violated any provision of these rules, he shall promptly make a written report thereof to the General Counsel.* The General Counsel shall also receive complaints from attorneys, parties or members of the public. The General Counsel either on the basis of such information or upon his own motion where he has cause to believe that an attorney has violated any provision of these rules shall promptly authorize an investigation of such charges or complaints. After investigation, the General Counsel may decline to take further action on any complaint or he may initiate formal disciplinary proceedings.

(b) If the General Counsel determines that formal disciplinary proceedings should be instituted, he shall file with the agency a complaint in which he shall set

*As herein used, the term "General Counsel" applies to the Chief Legal officer of the agency concerned.

forth with clarity and specificity the nature of the misconduct complained of. The General Counsel shall cause a copy of the complaint to be personally served on the respondent or have a copy dispatched by registered mail to his last known address.

(c) The respondent shall have ten days after receipt of such complaint to file with the agency an answer thereto. The answer shall include a specific admission or denial of each of the allegations of the complaint. The respondent may not challenge the complaint by demurrer or motion but he may incorporate in his answer the objection that the agency does not have jurisdiction or the objection that the acts or omissions alleged in the complaint do not constitute misconduct which would warrant the imposition of discipline, and, if he desires, the respondent may request a hearing before the agency and such hearing shall be held within sixty days after the receipt of the request therefor.

(d) Respondent shall be deemed to be in default if he shall fail to file an answer or to appear at the hearing, notice of the time and place of which having been given to him in writing by the agency not less than 10 days prior thereto.

(e) The General Counsel shall prosecute the charges stated in the complaint at the hearing held thereon.

(f) The hearing shall be held before the agency or one or more members of the body which comprises the agency as the agency shall determine. The hearing shall not be open to the public unless requested by the respondent. The respondent may be represented by counsel at the hearing, may offer testimony of witnesses and other evidence in his behalf, cross-examine witnesses, and shall enjoy such other procedure as are provided for by agency rule for other hearings before the agency.

A record of evidence introduced at the hearing shall be kept and the respondent shall have the opportunity to inspect it.

(g) To warrant a finding of misconduct in contested cases, the charges must be established by a preponderance of the evidence, and, in cases where the respondent defaults, by prima facie evidence.

(h) The agency after full consideration of the record in the case may, by appropriate order, (1) disqualify, temporarily or permanently, the respondent from practice before it or (2) dismiss the charges against him. As soon as practicable after the conclusion of the hearing, the agency shall enter its order stating its findings of fact, conclusions, and disposition of the charges. A copy of the order of the agency shall be furnished the respondent.

(i) If the agency orders the respondent to be disqualified, temporarily or permanently, --

(1) a copy of such order shall be published in the Federal Register;

(2) a copy of such order shall be sent to the appropriate authorities in the State, territory, or the District of Columbia from which the respondent derived his license to practice law. A transcript of the record shall be made available upon payment of cost to such authorities upon their request. The agency shall also notify such authorities of the termination of such disqualification.

